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To John.

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February 17<sup>th</sup> 1879

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THREE ESSAYS

ON

THE MAINTENANCE OF THE  
CHURCH OF ENGLAND

Is an Established Church.

BY

REV. CHARLES HOLE, B.A.,  
RECTOR OF LOXBEAR.

REV. RICHARD WATSON DIXON, M.A.,  
MINOR CANON OF CARLISLE CATHEDRAL.

AND

REV. JULIUS LLOYD, M.A.,  
INCUMBENT OF ST. JOHN'S, GREENOCK.

TO WHOM THE PRIZES OFFERED BY HENRY W. PEEK, Esq., M.P.,  
WERE AWARDED BY THE JUDGES.

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JOHN MURRAY, ALBEMARLE STREET.

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## PREFACE.

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VERY few words are necessary to introduce these Essays to the reader.

They originated in the following circumstances :—

On June 9, 1871, soon after the decisive rejection by the House of Commons of Mr. MIALL'S Motion to dis-establish the Church of England, Mr. H. W. PEEK, M.P. for Mid-Surrey, called together several of his friends, including various members of both Houses of Parliament, and others of the Clergy and Laity, and laid before them the considerations following :—

1st. That though the mass of the people of Great Britain are both by principle and by habit deeply attached to their Church, great ignorance prevails as to its true relation to the State ; and as to the grounds upon which such relation is to be defended and maintained.

2ndly. That this ignorance exposes them to the danger of being misled by those who, from whatever

motives, are working for the dissolution of the Union of Church and State.

3rdly. That it seemed desirable to set forth, in a clear and readily accessible shape, such information as should educate the public mind on the subject.

4thly. That it had struck him that the proposal of Prizes for Essays on 'The Maintenance of the Church of England as an Established Church,' which should be printed in various sizes, and extensively circulated, would be a convenient method of obtaining and diffusing such information.

And he added, that he was himself ready to furnish money for such Prizes, and to offer them for general competition under whatever conditions might seem good to the meeting.

A very interesting discussion ensued, in the course of which a high appreciation of Mr. PEEK's liberality and disinterestedness was freely expressed, and his general propositions were cordially approved.

The result was the adoption of the subjoined notice, bearing date July 5th, 1871, to which wide circulation (both in English and in Welsh\*), by advertisement and through the post, was given.

\* See end of volume.

## THE MAINTENANCE OF THE CHURCH OF ENGLAND AS AN ESTABLISHED CHURCH.

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Impressed by the efforts being made in various quarters to destroy the Union of Church and State, Mr. HENRY W. PEEK, M.P., of Wimbledon House, S.W., has placed in trust with the National Bank the necessary funds, and hereby offers Prizes of Four Hundred, Two Hundred, and One Hundred Pounds respectively for original Treatises on the above subject, if, in the opinion of the Judges who have undertaken to award, so many shall be found of sufficient Merit.

The Judges are the MARQUIS OF SALISBURY, the Rev. Dr. HESSEY, late of Merchant Taylors', and the Rev. Dr. VAUGHAN, Master of the Temple.

*Without binding Competitors too strictly, the following points are to be taken up:—*

- a. A clear explanation of the position which the Church of England has occupied in relation to the State both before and since the Reformation, especially the latter.
- β. The views upon this subject which have from time to time been held, both in the Church and among Nonconformists.
- γ. The advantages which have resulted from the Union of Church and State—
  1. Religious.
  2. Social.
  3. Political.
- δ. If there have been any disadvantages, the way in which they have been counterbalanced.
- ε. A refutation of the most prominent arguments which have been advanced in recent discussions against the continuance of the Union.
- ζ. A sketch of the probable results of any severance of the Union. This argument to be illustrated from the special habits of thought and feeling prevalent in England, and the actual experience of other countries.

*The following Conditions must be strictly adhered to by Competitors.*

1. The Treatise must be in a readable form; but all statements of special facts, and all quotations, must be verified by references: Original or other documents of any length must be referred to an Appendix.

2. The length of the Treatise must be so calculated as not to exceed, when printed, about 200 pages of the type and size of the *Edinburgh* or *Quarterly Reviews*. (The Appendix, if any is needed, being additional.)

3. The Copyright of the Treatises to which Prizes are adjudged is to rest with Mr. PEEK, who intends to have them printed and circulated at a very low price as widely as possible. Mr. JOHN MURRAY, of Albemarle Street, has undertaken the responsibility of printing and publishing them.

4. Every Manuscript intended for competition must be sent to care of Mr. JOHN MURRAY, 50A, Albemarle Street, London, W., on or before the 1st day of August, 1872, marked "Essay on the Maintenance of the Church of England as an Established Church," and with a Motto endorsed upon it; a corresponding Motto to be endorsed upon an Envelope containing the name and address of the Author. No Envelope will be opened until the whole of the Treatises have been adjudicated upon, and then those only will be opened which correspond in Mottoes to the Treatises selected for Prizes.

By the day appointed, August 1st, 1872, no fewer than one hundred and four Essays were sent in. Some of these, as might have been expected, were slight and not very much to the purpose. But a vast number of them were of great bulk, and displayed research and care which demanded, and indeed deserved, the most sifting and patient consideration. Those only who have undertaken the anxious and responsible office of Examiner of

Prize Compositions, can estimate the task which presented itself to the Judges when, not to speak of the literary contents, five packets of MSS., each packet weighing at least half a hundred weight, were laid before them.

It was soon found necessary to call in additional assistance, and by the liberality of MR. PEEK, the Rev. ALFRED AINGER, Reader of the Temple, was associated with the original Judges, on terms of entire equality as to voice and vote. Even with this important aid the labour of the Judges was very great; and it was not until July 3rd, 1873, that they found themselves able to issue their award.

It was made in the following terms:—

20, ARLINGTON STREET, S.W.

*July 3rd, 1873.*

DEAR SIR,

We have at last completed our examinations of the Essays on “The Maintenance of the Church of England as an Established Church.”

It has been a matter of regret to us that our decision has been so long delayed. But the number of the Essays, One Hundred and Four, the length of a great many of them, your own anxiety upon the subject, and, we may add, the duty of giving a patient con-

sideration to productions exhibiting so much conscientious labour, have caused us to be deliberate.

The three best Essays are the following :—

1. "God is in the midst of her," &c. . . (No. 87.)
2. "Si Ecclesia Anglicana," &c. . . (No. 61.)
3. "Οὐ γάρ τι νῦν γε καχθὲς, ἀλλ' ἀεὶ ποτε," κ.τ.λ. (No. 13.)

We adjudge to them £400, £200, and £100, in that order.

You have expressed your readiness to give two sums of £50 to those Essays which hold the 4th and 5th places.

In our opinion "Θεὸν δὲ πρὸς τὴν τῆς πόλεως," κ.τ.λ. (No. 98) holds the 4th place.

And, of the rest, "Ἡ δ' ἡθικὴ ἐξ ἔθοvs περιγρατα" (No. 59) stands first.

We have the honour to be, dear Sir,

Yours very truly,

SALISBURY,

J. A. HESSEY,

C. J. VAUGHAN,

ALFRED AINGER.

To HENRY W. PEEK, Esq., M.P.,

*Wimbledon House, S.W.*

On the envelopes corresponding to the numbers being opened—

No. 87, was found to be the composition of—

The Rev. CHARLES HOLE, B.A. (Trinity Col. Camb.)  
Rector of Loxbear, Tiverton.

No. 61, of—

The Rev. RICHARD WATSON DIXON, M.A. (of Pembroke College, Oxford. Arnold Prize Essay, 1858). Minor Canon of Carlisle Cathedral.

No. 13, of—

The Rev. JULIUS LLOYD, M.A. (Scholar of Trinity College, Cambridge, 1851). Incumbent of St. John's, Greenock.

No. 98, of—

THOMAS H. S. ESCOTT, Esq., M.A. (of Queen's College, Oxford), of South Street, Brompton.

No. 59, of—

The Rev. WILLIAM ARNOLD MATHEWS, M.A. (of Corpus Christi College, Oxford, B.A., 1861), Vicar of Dacre, Penrith, in the Diocese of Carlisle.

Of these, the Essays by Messrs. HOLE, DIXON, and LLOYD, are now published according to the original arrangement.

It is to be understood that the Judges have estimated

the several Essays as literary productions, and do not hold themselves responsible for either the arguments or the sentiments of the writers.

ALBEMARLE STREET,

*Nov. 1873.*

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\*\* The MS. Essays not yet returned to their Authors may be obtained by application to Mr. Murray, 50, Albemarle Street, accompanied by the Motto attached to the Essay.

## FIRST ESSAY

ON THE

# MAINTENANCE OF THE CHURCH OF ENGLAND

AS AN ESTABLISHED CHURCH.

BY REV. CHARLES HOLE, B.A.,

RECTOR OF LOXBEAR.

“God is in the midst of her ; she shall not be moved.”

PSALM xlvi.

“Thus much concerning the present state of the Church of God established amongst us, and their careful endeavour which would have upheld the same.”

HOOKER.

BY THE SAME AUTHOR.

A BRIEF BIOGRAPHICAL DICTIONARY. Second edition. London : 1866.

LIFE OF ARCHDEACON PHELPS. 2 volumes. Svo. London : 1870-3.

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THE

# MAINTENANCE OF THE CHURCH OF ENGLAND

## AS AN ESTABLISHED CHURCH.

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### CHAPTER I.

#### THE NATURE OF AN ESTABLISHED CHURCH.

---

##### SECT. I.—THE MEANINGS VARIOUSLY APPREHENDED.

A SEPARATION between Church and State has within recent years become one of the most familiar questions occupying the public mind. It has by no means reference to England alone; it is agitating other nations of Europe, as the foreign columns of the newspaper press almost daily inform us. “A free Church in a free State”—the watchword of Count Cavour, indicative of the policy of Italy, where the religious difficulty was felt in its most perplexing form—has become a phrase everywhere current. King Victor Emmanuel was still keeping it in view when on November 27, 1871, he pledged himself, at the opening of the first Roman session of the Italian Parliament, to recognise the absolute independence of the Pontiff’s spiritual authority, on the principle of the separation of the Church from the State. Early in 1872, at a meeting of the Swiss Federal Assembly, it was openly declared by an influential member that for Switzerland “the marriage between the Church and the State must be dissolved.” The French

\* \* The reference numbers in the text belong to the ‘ Notes and Illustrations ’ at the end of the Essay.

Protestant Synod, in concluding its session on July 10th, 1872, pronounced in favour of the principle of separation between Church and State, acknowledging that the independence of churches was in accordance with the tenor of modern law, and recommending the Protestant Church of France to prepare contentedly for the change whenever the State should judge it to be necessary. In Germany the question is hourly growing in dimension and urgency, and the most eminent statesmen are watching it with the closest attention.

The perpetual occurrence of language of this import, encouraging the popular impression that established churches are being everywhere assailed and are everywhere doomed, is without doubt a serious difficulty in the path of those who are bent on upholding the integrity of our own constitution in Church and State (1). The peril is aggravated by another circumstance. The relations of the civil power and the Church are in some countries so very objectionable on the whole, that the cry of radically deranging them finds a ready sympathy in the minds of Englishmen, even of many who are cordially attached to their own Established Church. Thus for instance, a few years ago, in a Swiss canton, the pastors of the national Church were enjoined by the Council of State to read a political manifesto from their pulpits on a Sunday, during divine service (2). In Italy the union of Church and State means that ecclesiastics are invested with the chief temporal power, and control every department of civil government. In Germany the rulers of the Roman Catholic Church are alleged to be using their privileged position in the State against the unity of the new empire, and weakening it in its contest with a rival that leans upon the Papacy. Then there is the mediæval type, namely the civil and the ecclesiastical authorities combining to coerce and persecute liberty; an idea familiar to the popular imagination, and associated in many minds to this day with every mention of the Church in connection with the State.

But in fact there are now, whatever might have been the case formerly, various models existing, while others are conceivable, of the Church-and-State relation; and the model we have in England is unique, presenting an example not more important

to the controversialist than interesting to the student of constitutions. So deeply is this occasionally felt among us, that it materially influences men whose general views of politics probably lead them into cordial sympathy with the aspirations of the liberal (we might also say the liberationist) party abroad.\* Thus for instance, a member of Parliament who has enjoyed the confidence of one of our great popular constituencies stated recently in the House of Commons his belief that, if in Germany, Italy, or Spain, strongly agitated as they are with the politico-religious problems of the hour, there existed a body like the Church of England, able with proper reforms to meet all the spiritual destitution of the country, and yet so completely in subordination to the State, such a solution would be eagerly accepted as an escape from the dangers now threatening them.†

The fundamental nature then of the Church-and-State connection, according to that English example of it which we are to vindicate in this Essay, must first be clearly understood; and we commence our task by discussing the question which has received so many and such different answers—What is an Established Church? The term does not quite carry its own meaning with it, and we must therefore proceed inductively, resorting to existing specimens of what are commonly recognised as established churches (3).

## SECT. II.—VARIOUS ERRORS NOTICED.

There are two established churches in this island, one on either side the Tweed. They differ considerably in many circumstances—in their government, discipline, ritual; in the relation which their synods bear to the civil authority; and in the extent to which the royal prerogatives are exercised within their limits. In all these circumstances the two churches are even in striking contrast. Yet they must necessarily have

\* We shall take opportunities of examining in the notes various instances of the Church-and-State relations peculiar to other countries, with a view to illustrate the English

example.

† Mr. Thomas Hughes, July 2nd, 1872, debate on Mr. Miall's motion.—*Times*.

something in common, something too of very considerable importance to them, by virtue of which they are “established.” What is that common something?

We should presume that the fact of our having for comparison two constitutions so different makes it all the more easy to detect that one element which they happen to possess in common. With the churches of England and Scotland then before us, and with the light they are so calculated to throw upon the inquiry, we ask wherein consists the material difference between an established and a non-established church. We see in the outset that it cannot be what the popular notion invariably assumes, that in an “established” Church the crown nominates the chief pastors and calls them to the House of Lords; for such a custom is most markedly wanting in the Scottish established church. This point at once then must be taken as clearly proved, that if prelates were forthwith struck off the roll of the peerage, and the crown were to give up its episcopal nominations, all things else remaining the same, the Church of England would continue to be no less established than the Scottish Kirk is at this moment.

Before proceeding more at length to combat other fallacies which have so greatly perplexed this subject, we will without delay propound our answer to the question before us. That answer, upon the soundness of which will ultimately depend the chief claim of this Essay to attention, is in one respect at least fortunate, namely in being perfectly simple, and in admitting of great precision in the statement of it. We assert then as follows.

### SECT. III.—A CHURCH ESTABLISHED BY LAW IN THE POSSESSION OF PROPERTY.

There exists in England certain property dedicated from ancient times to spiritual uses, and the law of the land maintains in possession of it a certain particular church. *This Church is thereby constituted an established church.* In the briefest possible terms, an established church is the church established in legal possession of the ancient ecclesiastical endowments of the country. We do not care to assert that this

language has all the exactness, inclusive and exclusive, of a *definition*; for in truth definitions in the strictest sense are seldom possible apart from pure mathematics, where terms are arbitrarily selected for the occasion and can therefore be defined; whereas we are now concerned with a popular term, not of our own selection, describing a complicated institution which existed long before the title by which it is at present distinguished. Especially we would guard ourselves in one important direction, and beg that our words may be taken to apply strictly as they are meant and no otherwise; that is to say, we are here engaged not in defining a Church, but in explaining what an *established* church is. The idea of this, we maintain, cannot (*i.e.*, as long as we confine our thoughts within the range of existing specimens) be separated from the notion of *property*. The more we revolve the subject, the more will this notion be felt to be the hinge of it. Every inquiry conducts to it sooner or later. If we hear intelligent men discussing the Established Church, we are sure to detect a notion of property somehow intertwining inextricably with their thoughts. Why is there this intimate association between the ideas of the establishment of a Church and the legal provision made for it? Our view, that the latter *is* the former, quite accounts for it. Nor is this idea of establishment to be viewed for one moment as too materialistic for the character of the Church of God, and derogatory to it. Say what we like, material property in some arrangement or other is absolutely essential to all spiritual action on any scale of importance. The law of the land has under its guardianship a certain vast machinery, let us say, and it allows one particular society to put it in motion and use. This society is the Established Church, as we have it. Do we ask to see this principle in operation? If a clergyman is proved to have contravened those rules by acceptance of which he was admitted to office in the Established Church, the law deprives him of his emoluments and declares his office vacant; and there it leaves him. If any number of clerics so offend, they are exposed to the same penalty. If all offend, all are so exposed. This is a fair test of the soundness of the idea for which we are con-

tending. We may support it by similar lines of illustration. Thus, if a clergyman is presented to a living and cannot be proved to have contravened the rules of the Established Church, the law will put him in possession of the emoluments. A layman, again, has a right in the use of certain fabrics and lands; he may, for instance, enter his parish church at specified times, and he may bury his dead in the churchyard; and if he conforms to the rules laid down, the law of the land maintains him in all these rights. As an additional proof that our exposition is a sound one, we may observe that everything we assert with regard to the established church of England is true with regard to the other established church of Great Britain. In whatever else they differ, they at all events agree in this. Indeed the history of the Kirk more strikingly, although not more certainly, than that of the Church of England, expounds the fundamental idea of an established church. For a long time it existed as a complete church in its organisation, and even national in its dimensions and in its hold on the people; but yet in order that it might possess the character and title of an established church, there was required a special proceeding of the legislature, placing its members in possession of the endowments previously held by a rival church, which latter by the same legislative proceeding was dispossessed(4). We will quote another example, in English history. During the Elizabethan period the established episcopal church had a competitor in the presbyterian, which was growing up at its side and seeking to displace it, in a manner precisely similar to what was at the same time going forward in Scotland. When the Commonwealth arrived, the rival communion at length gained the ascendant. The episcopal church was then disestablished, and the presbyterian was established; *i.e.*, the former was dispossessed of, and the latter was installed in, the benefices or ancient ecclesiastical endowments. At the Restoration again, the presbyterian church was dispossessed, or disestablished, and the episcopal was re-possessed and re-established. At each crisis the endowments fairly changed hands.

In thus exhibiting our view of establishment at the outset,

we have offered with it such an amount of justification as is alone admissible at this early stage. We by no means wish it to be understood that our case is complete. On the contrary, we shall be strengthening it at every step for some while to come. The proof will be cumulative. Our business will be to set in a clear light other things that are commonly confused with establishment, and not until then shall we feel that we may leave our argument with confidence in the reader's hands. We entreat his close attention at least until the end of the third chapter; and if at that stage we shall not have succeeded in making our ground good, this Essay must be reckoned a failure. Meanwhile we ask him to give us, as we go along, his provisional assent to what we have already urged; to wait and see if he finds it clearing up other questions involved in this inquiry, one point confirming another, and all parts holding their due places and standing in right perspective. For it is this alone that really produces a permanent and practical conviction in any argument whatever, and distinguishes a solid useful fabric from an ingenious toy (5).

#### SECT. IV.—A STIPENDIARY CHURCH ESTABLISHMENT.

It is here necessary to remark that although a legal provision of some sort is material to the idea of an established church, of such an one at all events as lies within our scope, it is by no means essential that this provision should be a property in freehold land or ancient endowments. The law might take away all these and grant in lieu of them an annual sum, and the result would be still an established church, that is to say, a church established in the right to enjoy a state allowance; in other words, there would be a *stipendiary* established church instead of a landed or territorial one. Moreover, the law might make such a grant as this to two or more ecclesiastical bodies, and so "establish" them. Such was actually the case in France after the Revolution, when Napoleon created two concurrent stipendiary church establishments, Roman Catholic and Protestant, which are still in existence (6). The kingdom of Prussia has likewise two established

churches, the Evangelical and the Roman Catholic, the ministers of both being partly maintained by grants from the Treasury, and partly by voluntary contributions. The old American States, while British colonies, had their established churches, supported by local imposts in the nature of church-rate.\*

#### SECT. V.—THE CHURCH OF IRELAND NOT DISESTABLISHED.

If then an established church be such as we have represented, it plainly follows that to disestablish a church is neither more nor less than to disendow it. Nor can there be a real disestablishment without a complete and absolute disendowment in regard to all the property which the church enjoyed by virtue of its being established. For instance, an established church might be deprived of its church-rates, and still remain established in its other possessions. It might next be deprived of its tithes, and remain established in possession of its glebe lands. It might then be divested of its glebes, but left in possession of its fabrics, and yet remain, by virtue of these, established as before;—impoverished indeed, but nevertheless, if words are to retain their meaning, established. The disendowment not being complete, the church continues “established” as strictly as ever. Thus it is in Ireland at this day. The Protestant episcopal church of that country is *not* disestablished. The great bulk of its property has been taken from it, but it has a legislative title to the remainder. It is a *reduced* but not a disestablished church. In virtue of the Act of 1869 a Representative Church Body was called into existence, approved by the crown, and by royal charter incorporated. In this corporation was vested certain property which the Act restored to the church. That Act first divested the Church of its entire property, and thus strictly disestablished it. It then restored a fragment of the former possessions in the manner just described. Technically speaking, this was disestablishing and subsequently re-establishing. The Church of Ireland is as truly by law established now as she was before. She is

\* The old American established churches will be again referred to further on, Sect. lxxiv.

established indeed on a new footing; new, not only as regards the amount of her property, but as regards the mode of her holding it and the conditions under which she holds it; and she will cease to be established by law only when she shall have been by law disinherited of the last precious remnant, *διλίγον τε φίλον τε*, of her ancient patrimony (7).

#### SECT. VI.—THE ESTABLISHED CHURCHES OF ENGLAND AND SCOTLAND COMPARED.

Having seen in what points the two established churches (legally so termed) of Great Britain radically *as establishments* agree, namely in their both being in statutable possession of the ecclesiastical endowments of the country, we shall gain some further insight into the essentials of established churches by viewing these two specimens in *juxta-position*. Thus we can explain at once the facts that in England the crown nominates to sees, and that bishops sit in parliament, without imagining these facts as belonging fundamentally to the notion of establishment. The very circumstance that only in one of these established churches the crown and the pastorate respectively enjoy such privileges, shows clearly what belongs to the mere accidents, and what to the essentials, of the Church-and-State relation. In England the crown, by ancient law, obtains acceptance of its nominees to the highest posts of the Church, and dignifies them, as by its prerogative it can dignify any one, with titles of nobility. In Scotland it just happens to be otherwise. By a law,\* passed in fact after the Kirk became “established,” the sovereign enjoys a place among other lay patrons of livings, but exercises no right of advancing presbyters to the peerage. The case being simply thus, how easy it is to see that an arrangement so commonly fancied to be of the very essence of the Church-and-State system might, if it should be thought proper, be laid aside at any moment without in the least affecting the principle at stake; in other words, without disestablishing the Church. The Church of Ireland is similar to both these churches in that attribute by virtue of

\* 10 Anne, c. 21.

which they are established, that is to say, in being statutably in possession of certain property; but it is unlike them in regard to patronage enjoyed and dignities conferred by the head of the State.\*

#### SECT. VII.—“ UNION ” AND “ ALLIANCE ” OF CHURCH AND STATE OBJECTIONABLE TERMS.

It will be seen at once from the foregoing considerations, and we shall see more as we proceed, how little value those phrases possess which are so current and so readily taken for granted, as “union of Church and State,” “alliance of Church and State.” We have no official authority for them, and Churchmen are not called on to explain or to defend them. Whence do they come? “The Church of England as by law established” is an official term, the only one which we are properly concerned with, and to which the opponents of the Church may rightly hold us. The other phrases are simply the inventions of later theorists. They are in fact the titles of theories framed for the purpose of accounting for and justifying the circumstances with which we find ourselves connected in civil and ecclesiastical affairs; having moreover this special disadvantage, that the theories of which they are the titles are intricate and learned, and wholly unknown, if not unintelligible, to the mass of the people who use the words, who therefore put their own meaning into them, a meaning nearly certain to be the wrong one. Besides which, union and alliance are very different things; and while thinking Churchmen have to weigh them scrupulously and be particular which of them they will sanction by employing, they are popularly used by the unthinking as convertible, and made to account for any abuse and anomaly which fault-finders can detect in our Church system. Inasmuch therefore as they beg the whole question and are full of perplexity and full of mischief, they had better be discarded from use. We hardly ourselves know what we mean when we talk of “Church-and-State-alliance,”

\* We shall speak of the varying degrees of state control in established churches in a future section (xxxiv.).

and we can never explain it to the people. But we do know what we mean when we talk of “the Church as by law established,” and if the view of the phrase adopted in this Essay be a sound one, it is easy enough to expound it to the humblest.\*

\* The conclusion embodied in this section will meet us again and be further defended (Sections xi., xii.).

## CHAPTER II.

## THE ESTABLISHED CHURCH BEFORE AND AFTER THE REFORMATION.



## SECT. VIII.—ESTABLISHMENT AND ROYAL SUPREMACY NOT TO BE CONFUSED.

THE notion of a Church by law established is occasionally confused with that of a royal supremacy in the Church ; but these two things are in truth radically distinct. Both before the Reformation and after it there was a Church of England by law established ; that is to say, the Church of England was recognised by the law of the land to have the rightful use and enjoyment of the ancient spiritual endowments. But the question, who should exercise certain chief authority in some departments of Church administration, was variously settled. To clear up this will now for a while be our endeavour ; and we trust that some reflection bestowed upon the Church established under such contrasted circumstances as those of the earlier and later periods referred to, will assist us in maintaining that conception of establishment which we have already advanced.

## SECT. IX.—THE ROYAL AND PAPAL SUPREMACIES BEFORE THE REFORMATION, HOW RELATED.

Before the Reformation the sovereign of England and the Pope each exercised what may be called a supremacy in the ecclesiastical affairs of this realm ; but properly speaking, this occurred in perfectly distinct spheres and degrees. The Crown was supreme in the highest sense and the widest sphere ; a toleration of papal decisions, in certain cases and to a certain

extent, created a papal supremacy in a lower sphere and in an allowed sense. Thus for instance, in a contested election of an abbot or a bishop an appeal would be carried to Rome (8). A charge of heresy might be heard before a tribunal summoned in the Pope's name, and before a papal legate (9). An abbey could be exempted from episcopal visitation by a papal grant. In numberless such instances the papacy decided, and its decisions were customarily recognised and respected. But it was in the strictest sense a permission. Constitutionally regarded, English law and the Crown of England were supreme in the realm ; and if in any cases Rome was allowed to decide without appeal, a supremacy above the Crown, or even co-ordinate with it, was not thereby admitted, any more than a modern appellate court, which the law allows to have the final decision, gives the judges a supremacy above the Crown. Looked upon superficially and according to popular sentiment and the general effect of its action, supremacy in all religious questions would appear to lie with the Pope ; but his fundamental and essential subordination would not be overlooked by any attentive observer. Thus for instance ; if it was the Pope who decided in a case of heresy, only the law of the sovereign could permit the delinquent to be punished in life or limb or worldly goods. The Pope might nominate to a see, or adjudge in a contested canonical election ; but only the law administered in the name of the Crown could admit the nominee to the exercise of his authority and to the enjoyment of the temporalities. In fact this is very certain, that during the whole period of the so-called papal supremacy, there was a perpetual resistance offered to its encroachment upon the laws affecting liberty and property. Legislative acts, moreover, were continually passed in ecclesiastical matters quite irrespective of papal authority and in limitation of it; limiting, for instance, admission to benefices, and preventing accumulations of property by the Church. In matters which affected the relation of the spiritual to the temporal, the law of England's Crown was supreme and without a rival ; but in matters reckoned spiritual the papal pronouncements were usually accepted without question. The theory on which this acceptance was based was not defined,

and did not occupy public attention. No doubt the general idea was that of an inherent and independent supremacy residing in the Pope for all spiritual matters, taking the word spiritual in its widest sense. This however was but a popular fallacy, and the foundation of the papal authority was only that which the general sentiment made it. This state of things indeed was full of danger to the Crown; for what the popular sentiment held the relations between the Crown and the papacy to be, that it virtually made them to be; and in spite of all recondite and ancient law to the contrary, a potent papal supremacy was practically enthroned. Legislative enactments therefore had to be called in, not to repeal any law that had authorised papal supremacy, but to reverse popular sentiment on this subject, to re-assert the genuine teaching of immemorial law, and re-invigorate the authority of the Crown. This was done at the Reformation, and constituted a part of the Reformation. If the law then could abolish this presumed papal supremacy, and did abolish it, does not that at once indicate where the real supremacy lay? Never should we forget that that memorable statute\* passed at the opening of Elizabeth's reign did not profess to enact the royal supremacy, but to "restore" it; taking for granted that all which had hitherto been competing with the prerogatives of the Crown was sheer usurpation. It required a succession of statutes, commencing in the reign of Henry VIII. and culminating in the first year of Elizabeth, to cut through all the threads of that web (so intricate had it grown!) which bound the Church of England to the tiara, and to wrest from the Pope the privileges rightfully belonging to the sovereign. We have much more to say further on about the royal supremacy and its true meaning; it has been necessary to say so much of it at this stage in order to illustrate the meaning of establishment. We ask then even here, what can be clearer than the difference between these two things? The abrogation of papal jurisdiction, and the recognition of the sovereign's—surely it was not this that

\* 1 Eliz., c. 1. An Act to restore to the Crown the ancient jurisdiction over the Ecclesiastical and Spiritual, and abolishing all foreign powers repugnant to the same.

established the Church of England ? The Church of England was established in its patrimony long prior to the Reformation, as it remained so through the Reformation and after it. We may state it briefly thus :—Before the Reformation the Church of England was the Established Church of this country under the circumstances of a papal supremacy (a supremacy to be understood as we have expounded it) ; and after the Reformation it remained established under the circumstances of a repudiation of that supremacy. The supremacy question did not alter in the slightest degree the footing of the Church in its “established” nature ; at the very utmost it did but alter the relation of one of the members of the Church, namely the sovereign, to the general body of it, asserting for him certain privileges which he had not previously exercised or had allowed to become obsolete.

#### SECT. X.—HOW THE IDEA OF “ESTABLISHMENT” AROSE IN THE REFORMATION PERIOD.

We have argued then that the Church of England as an established church was not the offspring of the Reformation. Yet it is a fact that the *term* ESTABLISHED CHURCH does come to us out of the Reformation period. The expression did not prevail before, and it has continued to prevail ever since ; a circumstance which without doubt has fostered the notion of the Established Church having begun with the Reformation. The name began then, but the thing did not. We are however certainly called upon to account for this anomaly, if we desire the ground we are taking in the present exposition to remain unimpeachable. The explanation is as easy as it is interesting.

The period of the Reformation was not only one of a great awakening, but likewise one of great unsettling ; and during the half century or so that followed Luther’s first attack (1517) on the corruptions of the Church, the human mind in most parts of Europe was in a condition of anarchy and confusion so great as to menace the whole fabric of society. Men had lost confidence in their usual guides, whom they had learnt

even to despise ; they were breaking loose from all the old traditions, and every thing—not only in the Church, but in the region of politics no less—was in dilapidation and decay. It became the most anxious question of the period how to restore men's minds to unity, peace, and contentment. The politician shared this anxiety with the Christian, although each of these may be supposed to have had his own especial views, one desiring to render men more easy of government, the other wanting to build them up in truth that makes “wise unto salvation.” But from whatever point the times were viewed, the agitated and unsettled condition of thought was alarming. Men of the period in contemplating the state of affairs are accordingly found perpetually recurring to the thought of *settling*, or *establishing*, or *re-establishing*. These words, or their equivalents, are frequently met with at every turn, in various formal connexions indeed, but always bearing on the pressing questions of the day. The earliest instance which the author happens to have observed belongs to the date March 18, 1532, when the House of Commons complains to the King against the clergy and the Church authorities, praying him to find such remedies as may “*establish*” unity among his subjects both lay and spiritual, as he was the only head and sovereign lord and protector of both parties, having the sole power of redressing and reforming abuses. In 1536, there were put forth by public authority the TEN ARTICLES, the earliest precursors of our Thirty-nine, and the object of these was stated to be, “to *stablish* Christian quietness and unity among us, and to avoid contentious opinions.” There exists a very large number of contemporary letters through the whole of the period we are now contemplating, written by men watching or taking part in the great work of Reformation, reporting progress, or expressing their anxieties to distant friends, or asking their advice, sympathy, and prayers.\* No one can peruse these productions without being immediately struck with the perpetual recurrence of the idea of settling and establishing religion on a sound scriptural basis, and it is

\* “Zurich Letters” (2 vols.) and “Original Letters” (2 vols.), edited for the Parker Society.

worth any one's while to read the series for the sake of imbuing and familiarising his mind with the leading thoughts of the period. We give one example, occurring in the year 1548. The writer in London reports to his correspondent in Switzerland: "All things, through the wonderful goodness of God, seem now settled. The religion of Christ, which appeared to be giving way, stands firm, and this we attribute solely to the providence of God."

The letters belonging to the reign of Henry VIII. are but few. The reader will however observe that nothing is further from the minds of the writers than the idea of a new Church to be created, or of the Church to be paid or endowed by the legislature, or to be placed under Crown patronage, or graced with dignities and titles. The Church of England is here tacitly recognised as having descended to those times from a long past; she was assuredly living upon her ancient endowments; while her Crown patronage and her peerage titles were already in existence. When Bucer, in 1538, wrote, "We pray our Lord Jesus Christ both in your country and in ours to restore and establish everything that is yet to be desired," his thoughts were bent upon establishing (as the Ten Articles wished to do) good doctrine in the hearts and consciences of Churchmen; he wanted to rectify existing disorder by making Church dignitaries and Church discipline more nearly approach the simplicity of the ancient models.

At the opening of Edward the Sixth's reign, the Reformers of the English Church, according to these letters, were finding encouragement. Bucer believes that the establishment or re-establishment of Christ's doctrine and discipline in the Church, and the prevalence of solid repentance, will be the safeguard of the State of Strasburg, and the State of England too. The same thought as that just noticed is running in his mind.

The report from Oxford (Dec. 26, 1548) is not a little interesting. A crisis has evidently arrived, that can be met only by the nation itself acting by its constitutional organ. Thus the idea is growing that Parliament must entertain the questions at issue. But clearly there is no conception to be

observed here of Parliament framing a new Church, or paying or dignifying an old Church. The situation is one perfectly easy to comprehend. Some statutory regulation is required, that shall put a period to this dangerous chaos and oblige the ministers and congregations of the Church into some kind of order and uniformity. It is hoped then that Parliament will establish order in the Church of England. Such is the idea at this time associated with the word *ESTABLISH* in Church matters,—to establish reformed doctrines in the Church, not by controversial persuasion simply, but by public authority. Parliament accordingly met, and the letters show us that the Reforming party were encouraged. What then had been done? An “Act of Uniformity of Worship”\* had been passed, and by this measure it was decided that one only mode of divine service, drawn up by certain heads and doctors of the Church (and now known as Edward’s First Liturgy), should be observed in all the churches. Here arises another point to be noticed. The Act provided that any clergyman refusing to officiate according to the new service book should give place to such as would consent to do so; that is to say, the favourers of the reformed worship were established in legal possession of the endowments of the Church. Thus the emolument question has entered. Who shall henceforth reside in the rectories, closes, and palaces of the old Church of England? Shall it be the friends of the reformed doctrine, or the friends of the papal? The friends of the reformed. Parliament by this enactment had clearly not constructed a church, nor altered the constitution of the church, nor endowed a church; but it had established a rule that a certain specified liturgy should be used, to the exclusion of all others, by the ministers and congregations assembling for public worship (10).

Late in Edward’s reign, *i.e.*, in 1552, both Houses of Convocation subscribed to a code of doctrine known as the Forty-two Articles, the expressed object of which was “to root out the discord of opinions and *establish* the agreement of true religion.” In this respect the Forty-two Articles corresponded with the Ten Articles before mentioned.

\* 2 & 3 Edw. VI., c. 1.

Mary succeeds Edward : the Reformation is suppressed, and the old doctrine and worship are restored. Then comes the reign of Elizabeth, and the language of re-establishing what had lately been suppressed meets us at every turn. The measures of the legislature, and the action of royal commissioners sent through the country for the purpose, provide for the adoption of the reformed services and ceremonials in the churches, and the expulsion of such ministers as refuse compliance. It is impossible to mistake the language and the thought running through the *catena* which we are now studying. The men whom we see before us have no idea or suspicion that they are creating a new Church ; their ever present and anxious thought is the establishment of truth and purity of worship in the old one, wherein corruption had become predominant, chaos was reigning, downfall and destruction were imminent ; and this truth and purity of worship they were anxious not only to promote by all their influence and arguments, but likewise to have established throughout the parish churches of England by public and legal authority. This was the great struggle between the two contending parties : one was bent on maintaining the mass and the papal authority within the Church of England ; the other was bent on establishing within it the reformed prayer book in the place of the papal usurpations. The Reformers carried the day.

Thus we may consider the movement proceeding until the year 1572, or thereabouts, at which time the state of matters requires our close attention. For the Reformers now found themselves confronted by new antagonists ; and as the controversy began to vary in some of its aspects a somewhat different phraseology becomes apparent. Within the bosom of the Reformation itself a dissatisfied party has arisen and gathered some strength, and they are earnestly intent on framing a *rival Church organization to supplant the old one*. They are trying by prodigious efforts to alter the government of the Church from the ancient episcopal model to the presbyterian, and to re-cast the whole ecclesiastical polity which had hitherto survived through all the changes of doctrine. Their new model extends to almost every fibre of the body spiritual.

The ministers are to have other names and other modes of appointment ; their relations towards their flocks are to be altered, their relations towards the civil authority are to undergo a radical change. The innovators go to the extent of making their especial polity so essential, so vital, to the very being of a Church, that the body which rejects it is in fact no true Church at all ; in other words, they proclaim themselves to be the only Church. They accordingly draw off as much as possible to a separate worship and a separate communion. What is this in fact but declaring themselves a separate Church ? Many readers of the Elizabethan history fail to appreciate the extreme importance of this movement in the eyes of those who were stemming it. This importance was derived from the fact that the movement did not stand alone. For from the circumstances of the times in various countries the Reformation, almost without any choice of the Reformers, had assumed the presbyterian dress. What was of especial importance to the friends of the Church of England was the fact that at their very door, in Scotland, the presbyterian organization (side by side with the episcopal) was proceeding with great vigour and success, and was by rapid degrees becoming entirely identified with the Reformation. Its partisans hoped that in a similar manner their platform would absorb the Reformation in England likewise, and that the parish churches and the endowments there would be wrested from the episcopal party then in possession.

Accordingly the language of the friends of the Anglican communion began from about this time to show a difference, and to indicate that they saw two Churches in the country, their own old one and the new presbyterian, competing for public acceptance and recognition. The phraseology now observable is not that the *truth was established in the Church*, as against the Romanists ; for that was already considered as done by a succession of legal enactments, past all cavil and doubt ; but that the *Church was established*, as against the sectaries. The innovators were foiled in their attempt to plant themselves within the parish churches, and to establish themselves in the sacred endowments of England ; and throughout

the latter end of the reign of Elizabeth new enactments were framed to restrain them and promote the security of the Church in possession. Hence Hooker's language in 1592 against the presbyterian novelties was—"The Church of God now established among us."\* A few years afterwards we find this phraseology cast in an official mould; for the language of the canons of 1604 (which we must remember bear very distinctly against Protestant nonconformity, as Hooker's late controversy also did) is—"The Church of England established by law," or in the full and accurate wording of the Royal Assent to those canons—"the present estate and government of the Church of England by the laws of this our realm now settled and established."†

We hope then we may without presumption say that no one can read those interesting contemporary letters without corroborating the view we maintain as to the term ESTABLISHED CHURCH. The numerous writers make us familiar with their thoughts from month to month, from year to year, through the period of that great movement. How is it we never find them writing to their distant correspondents, informing them that they are framing a new Church to occupy the place of the old one? Why do we not read such announcements as—"We are now negotiating an alliance with the State," or, "We have just been debating on terms of union with the State"? We do not catch even an echo of such language, nor of any language that can be interpreted to that meaning. The very ideas conveyed by these expressions seem grotesque in the last degree, while our minds are conversant and saturated with the thoughts of this correspondence. But it might possibly be argued that although they were unconscious of the *terms*, yet this was nevertheless the thing that they were doing; the phraseology is ours and it is new, the actual thing was theirs. We deny this. Those men knew perfectly well what they were about. They were some of the foremost men in their age, and they were thoroughly conversant with the conceptions of a

\* 'Ecclesiastical Polity,' Preface, opening sentence.

† This is the earliest occurrence, as

far as we are aware, of the phraseology, "Church of England as by Law Established," in official form.

Church and of a State, of the spiritual and civil functions and authorities ; the bearings of these upon one another were often debated among the questions of those days ; they were decided upon and formulated ; but never do we find people talking or writing about constructing an alliance or establishing a union between Church and State. A matter perfectly simple and intelligible was before their thoughts, and it was a very practical and a very pressing one, namely to establish a reformed worship and a pure doctrine within the old papalised Church of England ; and subsequently to establish that Church of England so reformed more immovably upon its ancient footing, as the sole possessor of office and endowment, against the attempts of those who would supplant it by a rival Church.

#### SECT. XI.—ESTABLISHMENT NOT TO BE MISCONCEIVED AS “ UNION ” OR “ ALLIANCE ” OF CHURCH AND STATE.

Having relieved “ establishment ” from confusion with “ royal supremacy,” and it being no less necessary we should likewise deliver it once for all from the unhappy entanglement that has grown up by means of the other terms on which we have just been remarking, we here proceed to a further and final discussion of them. They are comparatively of very recent origin, and the mischief of them has been really so great that we might have been almost tempted to believe them invented by some astute adversary. For we no sooner begin to defend the Church than we find ourselves defending subtle and perplexing phrases which, as we have already observed, we cannot define, and regarding which no two ordinary persons possess the same conception. We attempt to be clear and definite, and ask ourselves what a union is, and what is an alliance, in other matters besides the Church. A union is a sort of incorporation ; an alliance is a sort of partnership. But the term union, in matters of this sort, carries no sufficiently precise and definite idea of its own. For instance, England, Scotland, Ireland, once separate kingdoms, entered into union and are now called the “ United Kingdom.” There is a union likewise among certain states of America, forming the “ United States.”

Everybody knows that the United Kingdom exemplifies one kind of union, while the United States exhibit quite another. Are the Church and the State of England “united” in any way analogous to either of these examples, and to which of them? Again, the two churches of England and Ireland were “united” in 1800; are the Church and the State of England united after *that* model?

The term alliance suggests a relationship widely differing from a union. For instance, to talk of France and England being “allied” would not startle anybody; but what if we were to propose that they should be “united”? Alliance is an arrangement of a temporary character, union for a permanence. An alliance is for some specified and definite object, and withal secondary; union is for every object, primary and secondary. When two persons marry, we talk of their union: but we never say of their respective families that they have entered into a union, but into an alliance. Which then shall it be in the case of the Church and the State—union or alliance? It cannot be both. Yet both terms are current, and are often used interchangeably (11). Then, too, when people employ these phrases, what notion do they usually form of the term State? Doubtless they are thinking of the sovereign, and the court, and parliament, and government, and the executive; for ministers of State, State occasions, State apartments, State ceremonials, are common parlance (12). And if “State” means this, it is only natural that “Church” should correspond, and mean the dignitaries, and the hierarchy, and perhaps the clergy (13). A very intelligible meaning may be associated with the term “Church and State alliance,” but then this meaning is only applicable to continental polities and the status of continental churches. It does not help us in England, or it only helps by warning us distinctly against adopting it for ourselves, since the Church of England occupies a radically different footing to that of continental churches. We have already noticed\* that an Established Church may be conceived of as *stipendiary* as well as *endowed*. There are churches of the first kind on the continent.† The

\* Sect. iv.

† See Note 6.

sovereign of a State forms with the Court of Rome a treaty termed a concordat; which is a regular bargain as between two separate powers, expressed in articles and numbered clauses, signed and sealed, and to be abrogated on notice duly given when either party may find the connection inconvenient (14). Writers on the Established Roman Catholic Church in France, for instance, often speak of "its alliance" with the State, and their language is appropriate and comprehensible. It is therefore useful to study the relations between the civil and spiritual powers as prevailing in various parts of the continent. The student will speedily learn that in the English Church there is nothing corresponding with a continental concordat, and that in this very intelligible sense of the term there is no "alliance" of the Church and State in England.

### SEC. XII.—"IDENTITY OF CHURCH AND STATE" DISCUSSED.

Dr. Arnold avowed his dislike to both terms, union and alliance, and rejected them. "His idea was not of an alliance or union, but of the absolute identity of the Church with the State."\* His biographer adds that this theory is that of Hooker's Ecclesiastical Polity. But here let us carefully observe two things. In the first place, Hooker does not talk of "Church and State;" his phraseology is "the Church and the Commonwealth"†; and his meaning he clearly states, namely that the Church is the entire body of its members, the whole society, and not the rulers or heads of it. In the second place, Hooker's theory is not the "identity" of Church and Commonwealth. He does not use the term identity, and he *does* actually say—"A Church and a Commonwealth, we grant, are things in nature the one distinguished from the other."‡ What ground is there then for saying that Arnold goes with Hooker? This: Hooker argues that the Church and the Commonwealth

\* 'Life of Dr. Arnold,' 6th edition, 1846, p. 173. In his 'Fragment on Church and State,' p. 187, Arnold spoke of "the identity of the State and the Church under certain circumstances."

† Although Hooker's page is full of Church and Commonwealth, his Editor heads it with 'Church and State,' vol. ii. p. 485. Oxford edition.

‡ 'Ecclesiastical Polity,' vol. ii. p. 484. Oxford edition.

are composed of the same members.\* That however is not saying that the things are identical, but that the men composing them are so,—a very different matter. There might be twelve men on a church-building committee, and the same men might also form a sanitary board. Are then a church-building committee and a sanitary board identical? And are a municipal corporation and a local board of health identical, because in some towns they each consist of the same individual persons? And is “a house” identical with “a committee of the whole house” in Parliamentary proceedings, because they both consist of the same members? Hooker does not mean identity, and therefore he can speak as he does of the Church and the Commonwealth consisting of the same individual members, while yet the two societies are “in nature the one distinguished from the other.” Does then Dr. Arnold misunderstand Hooker? or does the biographer misinterpret Arnold? We do not stop to inquire; for whichever it is, the moral is the same, that “identity of Church and State” is a phrase no better suited for popular use than the phrases which contain the words union and alliance. It is as perpetually liable to misapprehension and is therefore as mischievous. We would earnestly plead then, if we might be so venturous, for the discontinuance of the terms we are criticising in favour of those alone which represent historical and tangible facts; that so we may feel ourselves pledged to those for which textual authority can be vouched, not to those which embody theories, however ingenious. In the one case we know what is attacked and defended; the combatants can see each other and can cross weapons. In the other case we do not know, for the combatants are alike beset with an “aery shell.”

While thus under the disadvantage of slighting terms which have been so long sanctioned by common use, we are the more anxious to acknowledge that the words union and alliance *have* a meaning, even in England, and an important one too, if only we carefully confine ourselves to that.

Thus for instance; when we see, as we may see, both in his-

\* Hooker only follows the argument used half a century earlier by

Stephen Gardiner, whose words we shall quote further on (note 28).

tory and in the present, persistent endeavours in the members of any Church, under spiritual pretexts, to resist civil authority in their country, separating themselves virtually from that commonwealth of which they ought to form an element of strength, we have an example of *disunion* of Church and State, even though the Church be an established one. Such disunion was a striking spectacle in England under Henry the Second; and what we express in the present day by the term Ultramontanism in any country, whether the Church which fosters it be established or unestablished, is another form of disunion. When that breach is obliterated, and when the members of a Church loyally conform to the laws of their own sovereign, throwing themselves patriotically into their country's cause, there is a union of Church and State. This union however is not an institution, not a concrete thing that can be attacked and defended by a measure of Parliament; it is a sympathy, a disposition of mind, something which may be more or less influenced by political action, but cannot be defined in legal phrase or settled by elections.

We may say the same of alliance. In the world of polities two parties may ally against a third; in the social world the labouring and the middle ranks, or the aristocratic and the labouring, may be allied together for mutual support in class struggles. So also in the religious world, a priesthood may ally itself with the peasantry in order to influence the landlords; dissenters may ally themselves with one great party in the State, and Churchmen with another; government may ally itself with a religious party, and this party be by no means that of the Established Church; it may ally itself with dissenters, or with an unestablished Roman Catholic Church. In such cases alliance means that mutual understanding between class and class, that natural and spontaneous gravitation of parties towards one another, which arises from supposed community of interest, and which is so intelligible and so observable in the complicated structure of our society. But it does not mean what liberationists and what Church defenders usually mean.

When we view the matter in this light, it may be freely owned that the Established Church of England, situated as she

is, naturally does incline to such a kind of alliance with those great institutions of the country which we commonly epitomise in the word State. Men of ingenious minds, when pondering this and discerning in it a striking argument in favour of the Church which they loved, might well have stopped there, and have addressed themselves to such persons as could best appreciate a view of things like that. But they have proceeded further to frame the idea into a theory couched in terms and propositions so systematic and formal as to fit it for popular use, and so successfully have they done their task that the formula expressing the theory has become indelibly current in the language. It has thus been a weakness to us, when it was meant to be a strength; for words which suggest deep and true thoughts to thoughtful and instructed minds, pass about as mere watchwords of party among the unthinking. It is interesting to remember that when Warburton, in 1736, published his treatise on the Alliance of Church and State, men's minds had been for some while accustomed to theories of political society expressed in popular formulas, to which times of social crises would naturally give great currency. Thus, for instance, at the period of the Revolution the "Original Compact" was so much a part of the language of the day, that the Commons actually inserted the phrase in a grave matter-of-fact resolution declaring the throne of James the Second vacant. The early Georgian era might well have suggested to a mind like Warburton's an attempt in ecclesiastical politics similar to that which had been elaborated in civil (15).

But we should be on our guard, with such a cause as we have to defend. A current word that has taken strong hold of popular language—a household word in fact—may be of great service, or of great dis-service; and being persuaded that the terms we are objecting to are decidedly of the latter complexion, we have laid such stress on this part of our subject. "The Church of England as by law established" is a phrase of historic meaning, of legal authority, of official use, representing definite and well-authenticated facts. We should therefore hold fast to it in attack or defence, and not concern ourselves with any other. "The Establishment" is a phrase not pre-

cisely equivalent, and we should be jealous of employing it or giving it currency, notwithstanding that we may mean only to abbreviate the full and proper expression. The occasional use of that word to denote merely the economical aspect of the Church, its staff and its expenditure, suggests to us this caution. Let us abbreviate by ESTABLISHED CHURCH when we discuss this subject, and by nothing shorter or less accurate.

### SEC. XIII.—RECAPITULATION.

Recapitulating then, we assert that our present Church of England is the old Church of this country, once overrun with corruptions, but now worshipping God with pure and scriptural forms rendered obligatory within it by force of law, and no longer acknowledging the interference of any foreign usurpation. At the Reformation it was not *established*, but reformed. In reality it was established at its early reception in this country, when its converts made provision to perpetuate its blessed work and to that provision the law gave its security. It was established by every enactment subsequently made to protect it in its ancient endowments, including the laws passed by Elizabeth. It was never established in the place of any other; but it was established against the assaults of others who were bent on erecting a rival on its foundations. Esto PERPETUA.

## CHAPTER III.

## THE ROYAL AUTHORITY IN THE ESTABLISHED CHURCH.

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SECT. XIV.—THE ROYAL SUPREMACY MUCH MISUNDERSTOOD.

THE nature of the Royal Supremacy, which we now resume in fuller detail, is of primary importance to a clear idea of the constitution of the Church of England. The necessity of careful attention to it was never more conspicuous than during the discussions on the Irish Church Bill in 1869, when men of eminence, both in the press and in parliament, were perpetually defending themselves and confuting one another in their expositions of the relation of the royal supremacy to the Church (16). Undoubtedly those discussions threw their light upon it; and one other benefit of them was the demonstration they furnished of the imperative necessity of comprehensive and discriminating statement; for it is not too much to say that when admitted facts are thus stated all real obscurity vanishes. The royal supremacy has fared somewhat like the famous shield, and the perplexity of the knights who have approached it has arisen from one-sidedness.

The memorable phrase carries us at once to the Tudor period; so that the best thing we can do is to take our stand there first and gain an accurate view of the circumstances known as the “Papal Supremacy,” which we have already to some extent anticipated.

SECT. XV.—PAPAL AUTHORITY IN THE MIDDLE AGES  
DESCRIBED.

For some centuries before the Reformation the Popes exercised an influence in England and other countries of

Europe which amounted to nothing short of a share in the sovereign authority. The clerical order indeed looked up almost exclusively to the Pope as their superior, and in many important respects their flocks were the Pope's subjects rather than the King's. The noonday of this dominion extended, as Hallam states, from the pontificate of Innocent III., inclusively, to that of Boniface VIII., or in other words through the 13th century—a fact which we shall find useful to recollect as we proceed (17). “Rome,” he adds, “inspired during this age all the terror of her ancient name. She was once more the mistress of the world, and kings were her vassals.” The same writer observes that the papal authority, though manifesting outwardly more show of strength every year, had been secretly undermined and had lost a great deal of its hold upon public opinion before the accession of Boniface VIII. in 1294. The sensible decline of the papacy is to be dated from the pontificate of this pope, who had strained its authority to a higher pitch than any of his predecessors. Without any marked and definite crisis of revolution, but slowly like the retreat of waters, or the stealthy pace of old age, that extraordinary power subsided. At the end of two centuries after this noonday, or at about the eve of the Reformation, the papacy still asserted its vast pretensions, and still exerted much of its spell over the human mind, and it is here we are more particularly interested in observing it.

The Pope regarded himself as the supreme head of the Christian Church as a whole, and over every national church in particular. Thus for instance; the Archbishop of Canterbury, before his consecration, took an oath of fidelity to the Pope, and one of so stringent a character that we scarcely see how it differed from the allegiance he swore to his sovereign (18). The Pope claimed to be the sole legislator of the Church, and like the imperial Cæsar he called his acts Rescripts and Decrees.\* It was a prodigious assumption; but the sentiment of mankind favoured it for several generations, and only very partially revolted from it at last. Let us see how it worked, confining our attention to England; and for the sake of giving definite-

\* ‘The Pope and the Council,’ by Janus, p. 165.

ness to the view we will notice three particulars—the raising of revenue, the appointing to sees and benefices, and the exercise of jurisdiction.

There are reckoned up twelve (19) distinct and regular sources of papal revenue in England, some having reference to the clergy alone, some to the laity. Bishops and beneficed clergy, on first obtaining their preferments, paid under the name of annates or first-fruits one year's full income; the laity contributed the well-known tax of Peter-pence; and from all sources a revenue truly regal, rigorously collected by systematic agency and supported by the fear of spiritual censures, flowed into the papal exchequer.

As to sees, in the period just preceding the Reformation, the appointments were virtually in the hand of the sovereign, as at present; but no bishop could exercise his functions until he obtained the papal confirmation. Primates had likewise to receive from Rome their pallium, without which their official costume was incomplete and their spiritual authority defective.

But if the authority of taxation and a veto on episcopal appointments were an encroachment upon sovereignty, much more so was the exercise of jurisdiction (using this word in its highest sense, *jus dicendi*) side by side with the civil administration. “Supreme jurisdiction,” in the words of Lord Westbury, “is in all cases the essence of the supremacy of the Crown;” yet by carrying appeals to the Roman Court a papal supremacy was virtually created. All this control over ecclesiastical affairs, and in some degree over temporal, was maintained by a legate; and in England the Archbishop of Canterbury was such an ambassador and ever-present lieutenant of his Roman master.

#### SECT. XVI.—HISTORY OF PAPAL AUTHORITY IN THE CHURCH OF ENGLAND.

Two interesting questions here meet us. How far was the Church of England implicated in this papal supremacy? How far was the monarchy? That is to say, was the papal supremacy so far a very part of the Church of England that the latter

could not be withdrawn from it without being destroyed and becoming essentially a new Church? While as regards the monarchy, was its constitution such that it involved two supremacies recognised by law, so that the termination of the papal supremacy was nothing less than a civil revolution? The clearest way of considering these questions, which we shall answer in the negative, will be that of a brief historical survey.

The various missions originating from Augustine's arrival in 597 were for the first seventy years disjointed efforts with scarcely any cohesion, a condition of things well accounted for by the heptarchical division of the civil rule. What wonder that Augustine and his successors looked fondly on the great see of Rome, so venerable, so influential in those disordered times, the parent of their mission, their *grande deus et tutamen* among wavering and unsteady converts? Zealously did they labour, and with complete success, to bring the observances of English Christianity into conformity with the rule of Rome. They accepted the pallium, an "insidious compliment" (as Soames calls it), from the Pope, who claimed to be therewith granting them a mission. Pope Boniface's letter accompanying the pallium in 624 to Justus, fourth Archbishop of Canterbury, gave him leave to use it in the celebration of the sacred mysteries, and granted him likewise to ordain bishops when occasion should occur. Our own modern missions to the heathen, by the abundant illustrations they furnish of the very natural regard paid in remote and isolated regions to the Parent Church, her forms, customs, standards, and holy orders, enable us to understand all this entirely.

After those seventy years, in 669, while the heptarchy was still in force, the scattered missions were consolidated in one body, which now for the first time could be called the Church of England; and Archbishop Theodore was its earliest primate. He likewise, and his successors all through Bede's history (down to 735), continued to accept of the pallium from Rome, which was understood to carry the same significance with it as when Boniface wrote to Justus in 624.

By what term then can the attitude of the Pope towards the Church of England, as exemplified by these facts, be best

expressed? There are two words to consider, "supremacy" and "primacy." Which should we best employ? No doubt the latter. The Pope did not nominate to sees; he did not exercise a veto; he did not depose; he could not command or forbid consecration; he exacted no fees, nor any oath of allegiance. He did pretty much what the Archbishop of Canterbury in these days might do in respect of the Church in New Zealand or in Central Africa, giving the missionary bishops their mission, and settling (though unable to enforce) any knotty point that might be referred by their choice to his decision. Our Archbishop does not impose his nominees, nor collect taxes and fees, nor demand allegiance, nor set up his jurisdiction. He is in fact a primate and nothing more. After a very similar manner the Popes of the Anglo-Saxon period stood in the relation of primacy rather than supremacy towards the English episcopate. A mischievous incident of a dissatisfied ecclesiastic (like Wilfrid in Theodore's time) appealing from his immediate superiors to Roman authority, in order to obtain his own way, and the Pope affecting to adjudge, really proves nothing. Nor does the instance of a Mercian king (Offa, 787), who, in order to get rid of the ecclesiastical authority of Canterbury and hedge himself from a political rival, asked for and obtained (for once only) the pallium from Rome for his own capital Lichfield, prove anything against the continual stream of precedent, except that foreign interference is ever based upon domestic insubordination and disunion.

What alone should be sufficient to prevent our falling into any great mistake on this subject is the fact that what is emphatically *the papal system* was itself not yet formed. The False Decretals, upon which it was based, were not fabricated until about 845. On the strength of these documents Pope Nicholas I. (858-67) boldly asserted the whole system of papal supremacy. Upon his death however there was no successor to ripen these daring assumptions, for the Roman See continued for nearly two centuries, through the feebleness and profligacy of its occupants, in such a degraded condition that papal supremacy was an utter impossibility. For about the first ten centuries, therefore, we catch no glimpse of a

Pontifical monarchy; it is not possible we should, except in the barefaced pretensions of an individual pope during one short reign. In fact, long ere the papacy dominated over national churches, the historian finds a period when the national churches themselves, under their own domestic hierarchies, dominated within their respective nations, overshadowing the authority of princes. "The ninth century was the age of the Bishops, as the eleventh and twelfth were of the Popes," is a saying adopted by Hallam.\* The tenth century in England was the age of Dunstan, the sole mention of whose name is sufficient to warn us of the great power and independence of the Church of England; while the same century is the very darkest for the papacy, when it passed into that eclipse just alluded to, which made it seem on the point of perishing with the contempt of mankind. In that dreary age, says Hallam, the pontiffs had neither leisure nor capacity to perfect the great system of supremacy.† It was moreover a long time before "the noon-day" of papal domination, the thirteenth century.

We have therefore little difficulty in realising, what indeed all historians more or less emphatically bear witness to, the fact of the Church of England's independence of the Roman See previous to the Norman Conquest (20).

The epoch of the Conquest of England was an epoch in the papacy also. The dreary tenth century was past; the Hildebrandic period had arrived; the reins which Nicholas I. had dropped were now taken up afresh, and the primacy of Rome was at length converted into a supremacy or monarchy, all other bishopssubmitting to be accounted but the Pope's liege subjects.‡ We may therefore expect to find that after the Conquest the Church of England, like other national churches, entered upon a new career. The domestic hierarchy was no longer participating with the civil authorities, as in the earliest period of the Anglo-Saxon Church, nor dominating over them as in the ninth century; but in subjection to Rome, as before described. Two things brought this to pass: the Conqueror, the more easily to bring the Church under his hand, employed the papal name

\* 'Middle Ages,' vol. i. p. 515.

† *Ibid.*, p. 532. Janus, p. 100.

‡ Janus, pp. 84, 170.

and sanction, and so introduced that foreign authority at the very moment it was springing into new life; not to his own individual detriment however, but most certainly to that of his successors. On the other hand the bishops, finding that they had a more determined race of kings to cope with than they had ever known before, sought their protection in allying themselves with the rising spiritual monarchy. The papacy therefore reaped doubly from the Norman period, making its profit alike from the kings and from the bishops.

Its ascendancy was completed by one other policy of the kings in particular. They covered England with monasteries, which the Roman See exempted from episcopal oversight and kept in immediate dependence upon itself.\*

Thus the episcopate once so predominant in England was completely subdued. The Church was not now one powerful body led by bishops, nor yet one powerful body led by the Pope through the bishops, but two strong detachments, episcopal and monastic, independent of each other, separately commanded by the Pope. The Crown had indeed humbled the episcopate, which it believed its worst enemy; but it had at the same time created an Ultramontane confederacy which subsequently required all its genius and all its firmness to resist.

This then was the path by which the papal sun climbed to its thirteenth-century noontide in England; and the tyrannous heat of its ascendancy may be illustrated from the following instances. Boniface VIII. (1294—1303) took on himself to assert that the king was subject to him in temporal as well as in spiritual matters.† His famous bull *Unam Sanctam* declared that the Church had two swords, a spiritual and a temporal, the former used by the supreme pontiff, the latter by kings *for* the supreme pontiff. By another bull he pronounced all persons of whatever rank obliged to appear, when personally cited, before his tribunal at Rome.† Such was the connection between “Church and State” from his point of view!

In the review of these facts, what can be plainer than that the Church of England was older than papal supremacy? She

\* Hallam, ‘Middle Ages,’ vol. i. p. 525.

† *Ibid.*, vol. ii. p. 28.  
† *Ibid.*, vol. ii. p. 29.

had at no time been a part of any papal dominion strictly speaking, although the growing authority of the papacy succeeded in domineering over her. For centuries the early Church of England showed a *deference* to the chief bishop of the west ; thus she came under his authority by degrees, submitting first to one claim and then to another ; but she was most assuredly the Church of England all the while, and never the Church of Rome. If this is denied, can anyone undertake to say *when* or at what particular stage the Church of England ceased to be the Church of England and became the Church of Rome ? Did any one special event mark it ? If so, what was it ? Which of all those gradual interferences of the Roman bishop was the critical one and completed the transition ? How long did the period of transition last ? When did it begin ? We assert that a fair review of historical facts proves, as clearly as anything in history can be proved, that the Church of England was never so implicated in the “papal supremacy” that the falling under it made her another Church, or that the repudiation of it made her another. The Church of England passed through the darkness of a papal domination just as the moon passes through the earth’s shadow in an eclipse, exhibiting all the gradations of obscuration, from the penumbra to the umbra, but perfectly distinguishable at the darkest stage in her own individual form and outline and in her separate existence (21).

#### SECT. XVII.—PAPAL AUTHORITY AT THE CONQUEST IN CONFLICT WITH THE CROWN OF ENGLAND.

We now address ourselves to the second question. How far was the Crown of England implicated in the “papal supremacy” ? We will take a similar historical survey of this matter, and begin with William the Conqueror, under whom commenced those more open and peremptory assumptions which led to the conflicts we are so familiar with under his successors. As soon as William seemed fully established on the throne, the Pope despatched Bishop Ermenfroy as his legate into England, and this prelate, observes Hume, was the

first that had ever appeared with that character in any part of the British isles. William, as we before observed, made a convenience of the Pope's assumptions, employing the name of Rome to enforce his own measures over the Church, but having far too much force of character to allow his authority to be impaired by anything he might choose to do.\* Accordingly, as the same historian writes—"He retained the Church in great subjection as well as his lay subjects, and would allow none of whatever character to dispute his sovereign will and pleasure. He prohibited his subjects from acknowledging any one for pope whom he himself had not previously received; he required that all the ecclesiastical canons voted in any synod should first be laid before him, and be ratified by his authority. Even bulls or letters from Rome could not legally be produced till they had received the same sanction; and none of his ministers or barons, whatever offences they were guilty of, could be subjected to spiritual censures till he had himself given his consent to their excommunication. These regulations were worthy of a sovereign, and kept united the civil and ecclesiastical powers, which the principles introduced by this prince himself had an immediate tendency to separate."

The Conqueror's policy however suited the papacy, which could afford to bide its time, and succeeding kings soon found themselves ill able to contend with that power which he with impunity to himself had planted beside the throne. William Rufus and Archbishop Anselm were perpetually at strife on matters involving the claims of the papacy. A few facts will illustrate the aggression on royal prerogatives at various stages, and these may be considered, as before, under three heads—patronage, taxation, and jurisdiction.

#### SECT. XVIII.—THE POPE AND THE CROWN IN CHURCH OFFICES.

William Rufus summoned a council at Rockingham (1094), with an intention of deposing Archbishop Anselm. But the

\* The legate demanded William's homage and allegiance as a vassal, which were indignantly refused.

suffragan bishops declared that without the papal authority they knew of no expedient for inflicting that punishment upon their primate.\* It was decided that the Archbishop should not promise obedience to, nor request the pall from, Urban II. without the King's consent. In 1095, a council was summoned against Anselm, who had received the pall from Urban II. without the King's consent. These facts show completely that the hierarchy was rallying round the Pope, and supporting his claims; but they equally exhibit the King battling against those claims. The motives of the ecclesiastics are quite intelligible, and as they help us to realise the situation more vividly, they should not be kept out of view. They are well expressed in the words of Hume: "The clergy, feeling the necessity which they lay under of being protected against the violence of princes or the rigour of the laws, were well pleased to adhere to a foreign head, who being removed from the fear of the civil authority could freely employ the power of the whole Church in defending her ancient or usurped properties and privileges when invaded in any particular country." The tyranny of princes and the ambition of ecclesiastics were between them building up the grand international spiritual domination which afterwards cost European monarchies such struggles to shake off.

As the Crown was thus baffled in deposing the great Churchmen, so it had to surrender much of its ancient rights in the appointing of them. William Rufus, after Anglo-Saxon precedents, invested Anselm with the symbols of his spiritual authority, the ring and the crosier; but Henry I. was obliged to recede, and be satisfied with nominating a bishop for election,† while the Pope gave the investiture and held the veto which this implied. John, in the thirteenth century, parted with the Crown's remaining share in these appointments, by the terms of *Magna Charta*, which provided that episcopal elections by the clergy should be free from royal dictation. While the King's hand relaxed, that of the Pope tightened;

\* Hume.

† Between 1122 and 1145, it became a rule almost everywhere established,

that bishops should be chosen by cathedral chapters.—Hallam, 'Middle Ages,' vol. i. p. 546.

for as disputed elections were carried to Rome, and the multitude of technicalities introduced into elections made disputes frequent, episcopal appointments by the Holy See were far from uncommon. Several Archbishops of Canterbury after the reign of John owed their promotion to the papal usurped prerogative.\* Clement V. (1305—14) asserted the right of “providing for” the next vacancy in a see by nominating a candidate in the bishop’s lifetime.† John XXII. (1316—34) reserved all the bishoprics of Christendom to himself. In episcopal patronage then the Popes during the “noontide” of their ascendancy left the Kings far behind them. We might, if it were necessary, show the same struggle going on for the patronage of minor benefices. The Pope’s success was very considerable; the King’s success was sufficiently considerable to prove that the Pope’s was by usurpation and not of any recognised constitutional right.

After the noonday of the Papacy we see the Crown more effectually resisting its antagonist. Edward II.’s feeble administration having passed, and Edward III. having gained some of the glories of his reign, at length a decided measure was taken. “It was the boast of England,” says Hallam, “to have placed the first legal barrier to the usurpations of Rome.”‡ Edward the Third’s famous Statute of Provisors passed in 1350, declaring that “the king and other lords shall present unto benefices of their own or their ancestors’ foundation, and not the bishop of Rome.” It asserts that in case any provision or reservation should be made by the Court of Rome, the king should for that turn have the patronage; a remedy, remarks Hallam,§ which seems a little arbitrary, but the only one that could be effectual against the connivance and timidity of chapters and spiritual patrons. The historian continues: “We cannot assert that a statute so nobly planned was executed with equal steadiness. Sometimes by royal dispensation, sometimes by neglect or evasion, the Papal bulls of provision

\* Hallam, ‘Middle Ages,’ vol. ii. p. 11.

† Ibid., vol. ii. p. 14.

‡ Hallam excepts the dubious and

isolated Pragmatic Sanction of Louis IX. of France, which was never followed up. Ibid., vol. i. p. 36.

§ Ibid., vol. ii. pp. 37, 38.

were still obeyed, though fresh laws were enacted to the same effect as the former. It was found on examination in 1367 that some clerks enjoyed more than twenty benefices by the Pope's dispensation, and the Parliaments, both of this and of Richard II.'s reign, invariably complain of the disregard shown to the Statutes of Provisors."

Down to the sixteenth century the See of Rome and the Crown were virtually almost partners in filling English bishoprics. By means of the bulls which had been made necessary before any bishop could be consecrated, and which if withheld could create vexatious delays, the Popes retained much indirect power. But notwithstanding this, the sovereign's influence decidedly predominated. The chapter of the diocese by the *congé d'élire* nominally elected, and the Crown did not since Magna Charta name the person to be elected; but for all that the royal will was by some means intimated to the electors, and prevailed. Morton in 1486, Deane in 1501, Warham in 1503, were undoubtedly advanced to the primacy by the Crown. Campeggio solicited an English bishopric, not of the Pope but of Wolsey and the King; Cranmer too was nominated by the Crown.

It is very plain then that in the matter of ecclesiastical patronage there was no legally recognised Papal supremacy in England before the Reformation. The Pope had his influence in the appointments, but as soon as he proclaimed a right the legislature and the Crown repudiated it. The sovereign, although he was at various times and in various degrees obliged to yield to pressure and connive at encroachment, on the whole kept the reins in his own hands.

#### SECT. XIX.—THE POPE AND THE CROWN IN TAXATION.

Turning now to the subject of Papal Taxation, it must be admitted that there were certain Roman levies acquiesced in by public authority through several centuries, together with certain others of shorter duration. To all these various fiscal burdens a different degree of significance is undoubtedly to be attached. The sums, for instance, paid by ecclesiastics the

sovereign might leave to themselves without interfering; contributions, such as Peter-pence,\* levied from the laity, might have been treated as voluntary donations; while other payments might be considered fees for services rendered. There was however one annual payment—that originally exacted of King John in 1216—which certainly bore the tributary character. For more than a century was this degrading burden borne, till at length it was abolished by a Parliament of Edward III. Peter-pence existed before the Conquest and down to the Reformation; the annates, contributed by clerics alone, lasted about two centuries, from about 1316 to the Reformation.

#### SECT. XX.—THE POPE AND THE CROWN IN JURISDICTION.

We come at last to the important matter of Jurisdiction, which (in the strict meaning of the term)† more than any other thing belongs to the essential character of sovereignty, respecting which sovereigns are the most jealous, and where they least tolerate any trespassing. The struggle upon this dangerous ground was no less persevering than any we have yet studied.

In the earlier period, as we have seen, the Roman See exercised no jurisdiction in English causes; but soon after the Conquest attempts were made to appeal to the Pope, at first without success. The bishops and barons told Archbishop Anselm that it was a thing unheard of for any one to carry his cause to Rome without the King's leave; and one of the Popes contemporary with Henry I. made the complaint that the English sovereigns would suffer no appeals to be brought to him. The first concession was made by Stephen, but it was annulled in 1164 by Henry II. at the Council of Clarendon, which ordained that no appeals should be made to Rome without his leave. When however the murder of Becket had surrounded Henry's position with many difficulties, he was obliged at last to give way, and by the treaty of Savigny the appeals were permitted. But the concession was coupled with a condition that

\* Excommunication, a spiritual not a civil penalty, protected the pope's interest in this tax.

† *Jus dicendi*, as before remarked.

We need hardly observe that the term jurisdiction is very commonly and very loosely employed to denote authority of any kind.

left him virtually master of the situation ; for it was agreed that he might exact reasonable securities from any clergyman prosecuting an appeal that they should attempt nothing against the rights of his crown. It is evident that in exacting "reasonable securities" he might stretch his demands as far as he pleased, and so have it in his power to stop the appeals. Laws were made in the reigns of Edward I., Edward III., Richard II., Henry IV., and other kings, for preserving the rights of the Crown ; but in spite of them all the appeals were persisted in, more especially in testamentary and matrimonial causes. Yet however ineradicable the habit among their subjects had become, the sovereigns of England had never surrendered their right, and the law recognised no appellate tribunal besides that of the Crown. Thus for instance ; in the reign of Henry III. a writ was issued by the King in council to the justiciary of Dublin, rebuking him for delaying his judgment in a certain matter referred to him by the King's court, and for permitting an appeal to Rome. The rebuke was worded in plain language, — "As it were declining our trial, you have wished to refer to a foreign dignity what was within our jurisdiction and appertaining to our dignity alone to determine, thereby setting a most pernicious precedent." He was commanded therefore, notwithstanding the appeal, on no account to delay his judgment.\* An Act in 33 Edward III. affirms a spiritual jurisdiction in kings derived from a priestly character given them by their unction at coronation ; and similarly in the reign of Henry VII. a common law judge gave as a reason of the jurisdiction of his court in some clerical matter, that "the sovereign is a *persona mixta*, for he is a *persona* as well sacerdotal as lay."† With the reasons here alleged we have nothing to do, being only concerned with the fact that the royal jurisdiction in appeals was never surrendered. In the reign of Henry IV. it was decided that if a man be sued before the Pope's collector (whose jurisdiction rested on the Pope's bull) concerning a matter purely spiritual, the king could prohibit the action,

\* 'Royal Supremacy in Matters Ecclesiastical in Pre-Reformation Times,' p. 13 ; by B. A. Heywood, 1870.  
† Heywood, p. 5.

inasmuch as he has his own spiritual judges, as archbishops, &c., furnished with full power to determine spiritual matters. In 16 Richard II. the Statute of Præmunire was passed, for checking the extravagant assumption of the Popes, chiefly in regard to patronage and interference with decisions of the king's court on ecclesiastical subjects. It ordained terrible penalties against such as should pursue in the Court of Rome anything touching the king or his crown, or who should sue in any court in derogation of his regality. This statute remained in force down to the period of the Reformation.

#### SECT. XXI.—PAPAL JURISDICTION ACCOUNTED FOR.

With all this evidence before us, it is perfectly clear that at no time prior to the Reformation had the Crown of England parted with its supremacy. Whatever ground there has been for current fallacies and popular language, it can be sufficiently explained by administrative abuses. No doubt these had been tolerated from time to time, and violations of the royal supremacy more or less systematic had been winked at. But this is all. The law of the realm is explicit. Blackstone writes:—"The legislature of England doth not, nor ever did, recognise any foreign power as superior or equal to it in this kingdom, or as having the right to give law to any, the humblest, of its subjects;" while Bracton, in the 13th century, wrote of the King that he was "*Dei vicarius tam spiritualibus quam in temporalibus.*"

Notwithstanding however that this is capable of being made so clear by quotations, something further is needed to enable us more thoroughly to realise the strange phenomenon of a system of unauthorised jurisdiction in the midst of a nation, with a popular resort to it so inveterate as to have hitherto defied all legislation. The whole history of the rise of this condition of things is clear and instructive. It may be read in Hallam's chapters on the Ecclesiastical Power. "The arbitrative authority of ecclesiastical pastors," he writes, "if not coeval with Christianity, grew up very early in the Church, and was natural or even necessary to an insulated and per-

secuted society.\* Accustomed to feel a strong aversion to the imperial tribunals, and even to consider a recurrence to them as hardly consistent with their profession, the early Christians retained somewhat of a similar prejudice even after the establishment of their religion. The arbitration of their bishops still seemed a less objectionable mode of settling differences. And this arbitrative jurisdiction was powerfully supported by a law of Constantine which directed the civil magistrate to enforce the execution of episcopal awards." "If it was considered almost as a general obligation upon the primitive Christians to decide their civil disputes by internal arbitration, much more would this be incumbent upon the clergy. The canons of several councils in the fourth and fifth centuries sentence a bishop or a priest to deposition who should bring any suit, civil or even criminal, before a secular magistrate." Hallam considers that the cases here contemplated are those where the defendant was a clerk.<sup>†</sup> We know what a stand was made in England by Henry II. at the Council of Clarendon against this encroachment. In Ireland at this day a state of things precisely similar prevails. A Roman Catholic population under a Protestant Crown considers itself as having a similar inducement to what the early Church under heathen emperors had for resorting to internal settlement of disputes in Church matters; and though this may be in the eye of the law but "arbitration," and the resort to it "voluntary," in practice it is far otherwise. A public opinion is carefully fostered that any other course is impious; the conscience is early and late enslaved to the same idea; the powers of excommunication support the Church rulers in controlling the practice of their flocks; so that in point of fact there exists a system of compulsory jurisdiction wholly independent of the law of the country. A recent case in Ireland, in which a priest of some position was subjected to the most rigorous treatment by his superiors for having resorted to a lay tribunal against a fellow-priest, brings all clearly before us (22). And what prevails now among the Roman Catholic population of Ireland prevailed generally over Europe in the

\* See 1 Corinthians, vi. 1—6.

† 'Middle Ages,' vol. i. pp. 507-8.

middle ages; for though sovereigns were then not Protestant but Romanist, it suited the hierarchy just the same to maintain their *imperium in imperio*, and their whole influence was employed in keeping on foot such a spiritual system as would make them formidable to princes (23).

We believe then that we have now before us a sufficient account of the “papal supremacy” before the Reformation, the sphere of its action, and the essence of its nature. It will be useful to observe that in the sphere of its action there is a distinction necessary to be made. In some respects the supremacy was directive and controlling only, and in others it was judicial and corrective. Under the former head we may say that it prescribed certain rules of discipline, which subjects could observe consistently with due subordination to their sovereign; under the latter, it took the law out of the sovereign’s hand altogether. In the one case a sovereign might tolerate it; in the other, to tolerate was to declare its own abdication. But the habit of tolerating it in the lesser case produced the habit of expecting toleration in the greater.

Having thus traced the rise and growth of these papal interferences, we plainly see that they did not affect the Church of this country in the fundamental ground of its constitution. Long ere they even began the Church of England was a well-rooted and flourishing institution, established in her endowments, and administered by her own powerful hierarchy. In a long and varying course of events, and through the force of many circumstances, the interferences gradually gained ground and cast their baleful shadow over the Church; but at every stage of them the Church of England remained an established body, owing nothing whatever in the essence of her constitution to that intruding domination. When papal usurpations were at their strongest hold, it was not *these* that made our historic Church to be the Church of England, nor did these in the slightest degree convert the Church of England into the Church of Rome, any more than the tribute and the taxes levied by the papal court on English subjects converted the England of Edward the First, and the England of the hero of Crecy, into a constituent portion of the Roman States.

SECT. XXII.—PAPAL SUPREMACY IN COLLAPSE BEFORE THE REFORMATION.

We now come to the effective abrogation of all this Ultramontanism. In speaking of the legislative termination of “papal supremacy,” we of course have to remember that there was nothing known to law by this term; but what was taken and felt as such, and had much of the force of such, lay in certain practices that had grown into use; and it was the stopping of these illegalities that extinguished the usurpation.

Ranke\* reminds us that matters had long been in train for this revolution all over Europe, and that before the sixteenth century had arrived the pillars of papal authority were trembling. The kingdoms of Europe had acquired compactness and solidity; and England likewise, having ended its wars of York and Lancaster, affords an example of this. The pretensions of kings were infinitely higher than they had been at any preceding period. Then too the papacy itself had become a *political* power, in illustration of which we need only name Julius II. (1503—13). What wonder that kings had learnt the lesson which this naturally suggested, and that they regarded ecclesiastical matters only as a branch of polities? The spiritual courts had contrived to monopolise almost all jurisdiction by putting the largest construction on the term spiritual;† what wonder therefore that kings also had begun to lose the distinction between secular and spiritual, and to deem themselves competent to decide in all causes if in any? “It is common,” says Ranke, “to represent the papal authority as nearly unlimited up to the time of the Reformation; but the fact is that the civil governments had possessed themselves of no small share of ecclesiastical rights and privileges as early as the beginning of the sixteenth or even the latter part of the fifteenth century.” “In short, throughout all Christendom a general struggle was made to curtail the rights of the Pope.” “The ecclesiastical spirit had ceased to pervade and direct the

\* ‘History of the Popes,’ vol. i., p. 25, Eng. Transl., 3rd ed.

† Hallam, ‘Middle Ages,’ i. 527; ii. 17.

whole existence of the nations of Europe as it had done in earlier times. . . . The development of national character and national institutions, the progress of civilisation, now exercised a mighty and conspicuous influence. The relation between the spiritual and temporal powers necessarily underwent a complete revolution.”\*

### SECT. XXIII.—CRISIS OF PAPAL SUPREMACY IN ENGLAND.

The crisis was brought about by the well-known event in Henry the Eighth’s domestic life, and since the day when John kneeled to Pandulph the course of papal usurpation had never yielded so conspicuous an exhibition. In a court of judicature presided over by an Italian ecclesiastic bearing the papal commission the King and Queen of England, after due citation, appeared (although only by proxy) on June 18, 1529, that the legality of their marriage might be tried. But, it might be asked, if the papal supremacy were really an usurpation, and if the King felt his supreme jurisdiction the jewel of his crown that it is said to be, how is such a scene at a papal tribunal to be accounted for? In replying to this natural question, we must remember that matrimonial causes were believed in a very especial manner to belong to the decision of the Pope himself. Even the Conqueror acknowledged that on one occasion, when he was bent on marrying his cousin. Whatever might be pronounced by constitutional lore, this was the deeply-rooted popular idea; and in such a matter the popular sentiment was of the utmost consequence. For as the annulling of a royal marriage involved questions of succession to the Crown and civil wars, wherein popular opinion and passion have such prodigious scope; it was all-important that Henry should proceed upon ground that would be generally recognised as valid, rather than upon ground that should seem to the mass of the people recondite and antiquarian. Besides which he could have had very little doubt that the issue would be according to his desire. Constitutionally speaking, this was very dangerous ground to take; for what could be a more striking admission

\* ‘History of the Popes,’ i. 25, 27, 28.

of papal supremacy before the whole nation? But Henry's immediate object was not to guard the foundation of the constitution; the solution of one especial difficulty interested him at that juncture; popes too were waning, and kings were waxing; and the King of England, being a despot of the Conqueror's type, must have believed himself quite able to tear asunder at any future time the net of papal assumption which he was permitting to encompass him.

Papal supremacy was exhibited in its climax on June 21, 1529, when the King personally appeared in court with the Queen, and actually answered to his name. But, happily, Rome ventured on one more step, which at length brought to the ground the whole baseless fabric of its usurped "supremacy" in England. This step may appear to us the acme of folly; but in truth the Pope himself was surrounded by a net from which there was no apparent escape. He was assuming the office of a judge while entangled in all the polities of Europe; and it is not unlikely he only thought to avoid giving any sentence at all when he issued the daring brief which reached Henry on August 4th, citing him and the Queen to Rome. The fact however that it was possible for negotiations to continue after this shows how deeply the papal usurpation had rooted itself in England.

In October, 1530, our envoys at Rome alleged a custom of the realm which forbade any Englishman leaving the country to plead before a foreign tribunal, and which required that appeals to Rome should always be sent back to be heard in England. When the Pope questioned this, the envoys hinted that he would do better not to search too curiously for reasons for what had always been taken for certain, lest the reason should be inquired into why he, being bishop of Rome, should have jurisdiction in other churches and over other bishops. This was fair warning. But Henry was already taking the first step of a series. On September 19, 1530, a proclamation was issued threatening severe penalties against whosoever should publish anything emanating from the Court of Rome "containing matter prejudicial to the high authority, jurisdiction, and prerogative royal of this his said realm." It is important to

notice that this proclamation simply embodied the terms of a statute of Richard II., showing that the old law of England contained sufficient authority to deal the blow against papal usurpation. Another instance of this followed in December, when the whole body of the clergy were indicted for having, seven years previously, acknowledged a legantine mission in Cardinal Wolsey, in violation of an ancient though sleeping statute of *præmunire*.

#### SECT. XXIV.—ANNATES ABOLISHED.

The first measure of Henry's reign for limiting the papal power over his subjects passed in the spring of 1531, abolishing the payment of annates; and it was declared that, if in consequence of this the Pope should refuse his bull for consecrating any bishop, the consecration should take place without one, by the archbishop of the province or by bishops to be named by the King. There was added likewise the following important sentence recognising the Church of England's ancient independence of Rome—"in like manner as divers other archbishops and bishops have been heretofore in ancient times by sundry the King's most noble progenitors made, consecrated, and invested, within this realm." Another clause enjoins any papal excommunication or interdict that might be issued for enforcing payment of the annates to be disregarded, and it orders that divine service and the sacraments shall not be interrupted. The series of measures thus introduced did not end until 1534, by which time, and not earlier, the papal authority in England was cut up by the roots, as far as legislative measures could do it.

#### SECT. XXV.—“SUPREME HEAD” AND “SUBMISSION OF THE CLERGY” IN CONVOCATION.

But even thus early, in 1531, occurred a startling event, the King's assumption of the title, “Head of the Church of England.” This was indeed an innovation, and no precedent in English history was quoted for it or pretended. Its real

import, and the history of its origin and continuance, require careful notice.

When, in December, 1530, Henry indicted the whole body of the clergy for their violation of the statute of *præmunire*, he agreed to remit the penalty upon the payment of a heavy fine. For collecting this fine an Act of Convocation was required, and when the draft was laid (February 7, 1531) before that body, to their great surprise they found that the customary title of the sovereign in the preamble was amplified by a remarkable interpolation to the effect that he alone was of the English Church and clergy “protector and supreme head.” After anxious debates Convocation submitted; but it added the qualifying clause—“so far as the law of Christ allows.” Now in accepting the term “supreme head” in its preamble, what did Convocation concede after all? A title, and nothing more. It was a title undefined, and therefore in the eye of the law as unsubstantial as “defender of the faith.” We shall meet it again further on under other circumstances; but at the present stage, and as far as this proceeding is concerned, we may safely regard the phrase as a titular flourish.

By another measure, in 1532, Convocation declared its subordination to the Crown, signing that address to the King known as *The Submission of the Clergy*, acknowledging that Convocation can be assembled only by royal permission, and promising never to attempt to enforce any canons that have not received the royal assent. The address likewise offers to submit all previous canons to be revised by a royal commission, that those which are found contrary to God’s Word and the law of the realm may be abrogated, the rest remaining in force by virtue of the royal assent and authority.

#### SECT. XXVI.—PARLIAMENTARY MEASURES AGAINST THE PAPACY.

Convocation having made these concessions, Parliament proceeded to deal its blows against papal usurpation. In 1533 the Act which prohibited appeals to Rome was passed. In the memorable year 1534 there were passed the “Act of Submis-

sion of the Clergy," embodying the address of Convocation and giving it legislative force ; an Act to regulate the election and consecration of bishops, condemning all bulls from Rome, and commanding the election of the King's nominees ; the Act concerning Peter-pence and dispensations, sweeping away all that remained of accustomed payments to Rome, and transferring from the Pope to the Archbishop of Canterbury certain prerogatives of the more spiritual class, such as granting dispensations. An Act also passed, entitled "The King's grace to be authorised supreme head," reciting that Convocation had recognised the title, and giving it now the force of law.

#### SECT. XXVII.—“SUPREME HEADSHIP” BY HENRY’S LAW.

Here then we are called upon to look closer into this famous designation. The statute enacted “that the King our sovereign lord, his heirs and successors, kings of this realm, shall be taken, accepted, and reputed the only supreme head in earth of the Church of England, called Anglicana Ecclesia, and shall have and enjoy annexed and united to the imperial crown of this realm as well the title and style thereof, as all honours, dignities, pre-eminent, jurisdictions, authorities, immunities, profits, and commodities to the said dignity of supreme head of the same Church belonging and appertaining ; and that our said sovereign lord, his heirs and successors, kings of this realm, shall have full power and authority from time to time to visit, repress, redress, reform, order, correct, restrain and amend all such errors, heresies, abuses, offences, contempts and enormities, whatsoever they be, which by any manner spiritual authority or jurisdiction, ought or may lawfully be reformed”(24).

These words, after conferring the title Head of the Church, proceed to bestow upon the sovereign the honours and authorities belonging to that dignity. But this is not a little vague : for who could say what was “belonging” to it ? Yet there is no mistaking that, without mentioning or in any way recognising the Pope and his claims, the words do glance at the privileges and emoluments hitherto supposed to be his alone, such as the authority to exact fees, to levy taxes, to sanction appointments

in the Church. These privileges had never been formally conceded to the Pope, and strictly speaking required no express title to make them over to the Crown ; but the idea of the law was that if any one should assert that they were necessarily the Pope's as the head of the universal Church, then men were to know that the Pope was *not* the head of the Anglicana Ecclesia, which acknowledged no supreme head on earth but the King only. The title gave nothing new ; it was but a striking way of reminding people of what by strict law was the king's already. The Act wanted to assert and save the royal prerogative as much as possible, and so fenced it with a new and startling title. We would call special attention to the words on which we are commenting. They belong only to this reign and the following one, and are therefore important in the history of the title. We shall refer to them again.

But the statute proceeds, secondly, to give the Crown sole authority to correct all spiritual disorders. Nothing might be taken out of the Crown's jurisdiction on the plea of being spiritual. Here we see the Crown's corrective authority, as before it was directive ; and this too was an old right, not conferred by the title. We invite once more attention to the language of the Act just here. It might be too much to assert that it runs in no express connection with the title but independently of it. At all events it appears more detachable from the title ; and we may add that, unlike the *directive* language commented on in the foregoing paragraph, it re-appeared in substance when the Act was renewed in a subsequent reign, as we shall have occasion to notice again.

The title thus regarded, denied to the Pope more than it gave to the Crown : it conferred on the Crown no functions in spiritual matters beyond what had always been recognised by law when the law was suffered to be heard. But it gave a new emphasis to the old law, asserting the constitutional right in a clear, definite shape, in a popular form, that could not be mistaken or hidden ; and that challenged peremptorily and at once all gainsayers(25). The title was thus—and the more so because of its startling character—of immense practical importance in the age when it was assumed.

## SECT. XXVIII.—ROYAL SUPREMACY NO NOVELTY.

These measures then entirely stopped the exercise of papal jurisdiction, papal patronage, and papal exactions in this country ; withdrawing the Church of England absolutely from the Pope's direction and control, placing her independent of him, and replacing the Crown in its ancient attitude towards the Church (26). More than one eminent writer may be cited as corroborating this, and as recognising that the Act of Supremacy introduced nothing essentially novel. Sir Edward Coke, speaking of the Acts of Henry VIII., says,—“ All ecclesiastical jurisdiction, though usurped, was now restored to the Crown.” Blackstone writes that “ the Crown was restored to its supremacy over spiritual men and causes,” and that the Statute of Appeals “ was but declaratory of the ancient law of the realm.” Dr. Manning, in earlier days, wrote,—“ If any man will look down along the line of early English history, he will see a standing contest between the rulers of this land and the bishops of Rome. The Crown and Church of England with a steady opposition resisted the entrance and encroachment of the secularised power of the Pope in England. The last rejection of it was no more than a successful effort after many a failure in struggles of the like kind.”\*

But it might be asked, and very reasonably, why, if the royal supremacy were already in the law and constitution of the realm, a fresh law should be needed. If it required an Act of the legislature to abrogate the papal supremacy, does not that prove the papal supremacy to have been rooted in law previously ? But we need only recollect that the legislature, besides enacting new and repealing old laws, re-affirms and declares forgotten and misunderstood ones.

The fact is that papal authority had been long and extensively rooted in *popular sentiment* under the systematic guidance of a powerful hierarchy co-extensive with Western Europe and

\* ‘Unity of the Church,’ 1842, p. 361.

through the traditions of many generations ; by which means law was cast into the shade and become inoperative. The private and voluntary acceptance of ecclesiastical regulations or canon law as binding on the conscience, rendering the secular law of little practical power where the Church and religion were concerned, has been already referred to in the case of Ireland.\* Recent events in Germany have also supplied good illustrations of this. In November, 1871, a measure was introduced into the North German Parliament for restraining the usurpation of the Roman Catholic Church in the State. The official language recognised that the State already possessed several institutions for its protection against ecclesiastical encroachments, but as these were found now insufficient, a new statute was required. This is just what was done in England under Henry VIII. ; and what made the interference of Parliament more especially requisite under this king, was the very fact that he himself had given so conspicuous and so powerful a sanction to the usurpation. His mere repudiation of it was not enough now : its illegality must be placed beyond all possible contradiction by solemn acts of the legislature. Whatever the old law might have authorised, it was now at all events, since the matrimonial trial, insufficient, and must be reinforced by a new enactment. The very idea of the papal authority must be eradicated from the minds of the people at all hazards ; for such a mischievous ambiguity clouding the legitimacy of a royal succession might plunge the nation once more into generations of civil war. This is quite enough to account for the action of the legislature, and to show the imperative necessity of it. If there should still be in our minds any lingering misgiving as to the soundness of this view, it may be dissipated by watching a striking parallel in our constitutional history a century later. Those celebrated statutes the Petition of Right and the Declaration of Rights, relating to the limits of the royal prerogative and the subject's obedience, did not, any more than the Act of Supremacy, introduce a thing really new ; they were not intended for the making of a new law, nor for the unmaking of an old one ; they had simply

\* See Section *xxi.*

become necessary for the purpose of eradicating from the popular mind abuses which political controversies had engendered, and of placing old principles in a clear and unquestioned light. In the language of Lord Macaulay—"they purport to be merely recitals of the old polity of England. They do not establish free government as a salutary improvement, but claim it as an undoubted and immemorial inheritance."\* Precisely similar language may be written of the Act of Supremacy. It purports to be merely the recital of the old polity of England. It does not *establish* a royal supremacy as a salutary improvement, but claims it as an undoubted and immemorial inheritance. The theory and fundamental law of the Constitution in regard to the royal supremacy was in the reign of Henry VIII. what it ever had been; but practically things were out of balance, and a silent encroachment of an alien claim long connived at had to be thrust off, beaten back, rooted out of the popular conscience, by a statutory recital of ancient facts and principles. Such was the real meaning of the Act of Supremacy of Henry the Eighth.

#### SECT. XXIX.—ELIZABETHAN ACT OF SUPREMACY.

Under Edward VI. the royal Title and the Act of Supremacy continued without material alteration. Under Mary they were repealed, and the papal authority re-entered.

Under Elizabeth the Marian enactments were cancelled, and a series of statutes repudiated anew the papal usurpations. In 1559 the supremacy of the Crown was once more affirmed, with variations in the Act which we must not omit to notice. The title "Head of the Church" was not revived; nor was any corresponding title given to the Queen. She was in one passage of the Act, as we shall see, affirmed to be, as a matter of fact, the only supreme governor of the realm, but there was no bestowal of a *title* to that effect as in the Henrican Act. Of course therefore she was not invested with any pre-eminent or authorities "belonging or appertaining" to any title. Thus

\* *Essay on Sir William Temple in 'Critical and Historical Essays,' vol. ii.*

the Act does not, as Henry's Act did, contain the words that might be held to cover the Queen's supremacy in regulating Church synods, and appointing to sees, or in any way controlling the action of the Church. In other words, the *directive* language in the old title disappeared with the title. But directive power was hers none the less; the law abundantly secured all such prerogatives to the sovereign independently of this statute. The Elizabethan Act of Supremacy confined itself to one point, and that the main point, the 17th section providing, as Henry's statute had similarly provided, "that such jurisdictions, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, as by any spiritual and ecclesiastical power or authority hath hitherto been, or may lawfully be, exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall for ever, by the authority of this present Parliament, be united and annexed to the imperial Crown of this realm."

In these words the Crown is invested with authority to correct and punish. That is all. Nothing whatever is said about its supreme authority in appointing to dignities or controlling synods or canons. How fairly soever the royal prerogative in these matters may in the usage of speech come within the meaning of the word "supremacy," the Elizabethan statute does not recognise this, but limits itself to one special meaning of the word. It says in effect "that all legally coercive authority for the punishment of heresy or other spiritual offences shall flow from the sovereign alone." No one in England shall be subjected to punishment against his will on any pretence whatever, religious or secular, except by the courts of the sovereign. All jurisdiction that is lawful, if it is to have obligatory force, shall be exercised by the sovereign alone. Let us put this in the clearest light by imagining a case.

A person, we will suppose (since the Toleration Act), appears one day in the public streets, affirming before an audience the doctrine of Particular Redemption. A passer-by believing this to be heresy, summons the preacher into the sovereign's court,

that he may be corrected and silenced. Does the 1 Eliz. c. 1, sect. 17, either correct and silence the teacher or else support him? No; the court refuses to entertain the complaint, as the trial of such charge would not be a "lawful" exercise of the royal authority, the law nowhere authorising the Crown to adjudicate under those circumstances.

But let us suppose another case:—that same plaintiff has hired a teacher, we will assume, to teach him and his friends the doctrine of General Redemption, while the teacher in violation of his engagement proceeds to advocate before them and in their premises the contrary doctrine of Particular Redemption. He is summoned into court. Does the sovereign's judge refuse the hearing? No; he calls for the terms of the contract between the litigant parties; ascertains what the teacher and his employer had agreed to consider heresy, and gives sentence accordingly. The judge may be appealed from, and the case would then go before some supreme court appointed for such circumstances under the sovereign's authority and there be decided. This would be "lawful;" and if this were to occur, 1 Eliz. c. 1 would have done its work.

But this Act differs in another respect from the corresponding one of Henry, providing in its 19th section an oath to be taken by all ecclesiastical persons, as follows:—"I, A. B., do utterly testify and declare in my conscience that the Queen's highness is the only supreme governor of this realm, and of all other her highness's dominions and countries, as well in all spiritual and ecclesiastical things or causes as temporal."

In these words we have A. B. declaring in his conscience that the sovereign is what the Act declares the sovereign to be. But then if the Act declares it, that is the grand point, and A. B.'s conscience cannot alter it. It may be expedient to extort the declaration from him; a misguided popular sentiment may thus be eradicated, and men's consciences may be delivered from an obligation of secretly holding a foreign jurisdiction binding. The declaration therefore, however an expedient of temporary and exceptional necessity according to the circumstances of the times, is immaterial in regard to any prerogative or right it confers on the Crown. It may assist in

getting the Act better complied with ; that is all. The Act makes the sovereign so and so, whatever A. B. may choose to say. And this likewise we must observe, that the Act makes the sovereign so and so, whatever may be the *title* it puts into A. B.'s mouth. This title then is likewise immaterial, and the authority conferred by the Act is all in all. The Act gives Elizabeth no title at all, but asserts as a matter of fact that she is the only supreme governor : she has none superior to her in her realm, and none co-ordinate with her.

Bearing this in mind, we shall estimate the history of the title "Head of the Church" in its true light. Henry the Seventh and Henry the Eighth were each supreme in his dominions. Henry the Seventh was not called Head of the Church, but Henry the Eighth was. What difference did this make ? A public, formal, and explicit assertion was made by Henry the Eighth, which was not made by Henry the Seventh, that he intended all authority in law to be exercised in the name of the Crown alone ; that the ancient constitution of England should be strictly observed in this matter ; and that no intrusion of a foreign power should any longer be tolerated or connived at. Edward the Sixth continued to maintain the assertion, and wore the title which proclaimed it. Mary receded from it. Elizabeth re-expelled all papal intrusion as absolutely as her father had done : she was not a whit less supreme in her dominions. But she did not receive by law the *title* of Head of the Church, nor the title of Governor of the Church, though she allowed her subjects to address her as such. The title in fact was immaterial, merely honorary, but the Act which guarded her authority, with a title or without one, was everything. As in Henry's Act, the title and the language referring to it did not give him what was not really his without them ; so in Elizabeth's, the omission did not prevent her retaining rights that were already hers. After Elizabeth no sovereign bore the title of "head" or "governor," although it is one of the popular delusions that "Head of the Church" is, as much as "Defender of the Faith," a portion of the style of Queen Victoria. Some think that it lies concealed in the abbreviation "and so forth," but an

*et-cetera* title is no title, nor is a title avoided and unavowed any title at all (27). If in common parlance the sovereign is called Head of the Church, there is no harm in it, provided the right thing be meant. Queen Victoria, although she bears not the title, enjoys the prerogatives which that title was meant to grace and decorate. She is supreme over all persons and in all causes that may be lawfully brought before her tribunals, whether spiritual or temporal, whether those persons or causes belong or relate to the Church of England, the Roman Catholic communion, or any Nonconformist denomination.

Then as to the declaratory oath, the cause of the royal supremacy logically requires it no more than it does a title for the sovereign; so that in the reign of William the Third clause 19 in the Elizabethan Act was struck out, and the repudiation of the Pope's supremacy was alone retained. Even this repudiation was not logically necessary, and in the reign of Victoria it was abandoned. Yet is Queen Victoria in every possible particular as supreme as Elizabeth and Henry the Eighth were. They were, and she is, supreme administrator, by her judges, of the law over ecclesiastical as well as over secular persons, over one denomination as well as another, and her Court of Chancery, which controls the administration of all voluntary religious bodies possessing property will decide such questions as whether or no the ordinance of baptism be indispensable among the Baptists.\*

### SECT. XXX.—THE CHURCH ON ROYAL SUPREMACY.

Having studied the *statutory* language which asserts the royal supremacy, let us now turn to the official language of the Church herself. The 37th of the Articles of Religion, *Of the Civil Magistrate*, belonging to the year 1564, acknowledges the sovereign to have the chief power in her dominions, “unto whom the chief government of all estates of this realm, whether they be ecclesiastical or civil, in all causes, doth appertain, and is not nor ought to be subject to any foreign jurisdiction.” Princes should rule all states and degrees committed

\* Lord Selborne's Speech on Mr. Miall's Motion, May, 9th, 1871.

to their charge by God, whether they be ecclesiastical or temporal, and restrain with the civil sword the stubborn and evil doers. It is the jurisdictional supremacy that this article refers to; and accordingly it concludes with this clause—"The Bishop of Rome hath no jurisdiction in this realm of England."

The oath sworn to the bishop previous to ordination is to the same effect. At that part of the service the rubric enjoining the oath calls it the "Oath of the King's Supremacy," while the title at the head is, "The Oath of the King's Sovereignty." Supremacy then is sovereignty, having especial view to the claims made on behalf of papal jurisdiction.

In the canons of 1604, the first two relate to this subject. Their titles are respectively—"The King's Supremacy over the Church of England in causes ecclesiastical to be maintained," and "Impugners of the King's Supremacy censured." We must observe here that the *title* of Canon I. speaks of the King's supremacy "over the Church of England," though the body of the canon does not adopt this expression, but includes all persons in the realm. There was no Church recognised by any public authority as existing in England but the Church of England; and the words of the title are not employed to distinguish that communion from other communions in England, but from other national Churches. The sovereign asserts his supremacy over the Church of his own realm alone, not over that of other realms(28). What these canons then enjoin is that all ecclesiastical persons should repudiate the papal, and maintain the royal, supremacy in regard to causes and jurisdiction. Canon XXXVI. contains an article to be subscribed by all persons who come to be ordained, and by clergymen before admitted to livings, commencing—"That the King's majesty under God is the only supreme governor of this realm." Canon LV. contains, in the course of the form of prayer for preachers, the sovereign's name with this addition—"King of England, Scotland, France, and Ireland, defender of the faith, and supreme governor in these his realms, and all other his dominions and countries, over all persons, in all causes, as well ecclesiastical as temporal." In all these pass-

ages the language is clear; the King shall be supreme and without a rival in the jurisdiction of his own realm. The canons contemplate no other field for the exercise of the royal supremacy than the causes and courts of law; they say nothing, hint nothing, about such matters as exercising patronage, promoting to bishoprics, authorising canons, or ordering prayers. The royal supremacy spoken of in the statutes of the realm, and in the official language of the Church, has no bearing whatever on these things; it simply asserts the sovereign to be the fountain of law in his own realm.

#### SECT. XXXI.—SOVEREIGN SUPREMACY AND ECCLESIASTICAL SUPREMACY.

The statutable meaning then, and the Church's own meaning, of the royal supremacy is clear and definite, and it would have been well if we could always confine the phrase to this meaning. But it is now impossible. An unofficial meaning has gathered round the phrase, is recognised in popular language, and is sanctioned by great names, and this it is impossible to ignore. Perhaps it was encouraged by the language in Henry's Supremacy Act, such as "authority belonging to the dignity of supreme head," terms omitted in the Act of Elizabeth, and therefore repealed by it. Hooker himself has sanctioned this expanded sense.\* Accordingly we must enter upon it. The royal supremacy then, in its wider acceptation, is *directive* besides being corrective, and must be considered as including that administrative control, of which the appointing of bishops, authorising Convocations, and setting apart certain religious days, are the most familiar specimens. Certainly if we have regard only to the ordinary signification of words, there is no reason why supremacy should not include all this. It may be conceived of as a sort of presidency occupied by the sovereign, wherein he exercises certain prerogatives or privileges, confined indeed within a certain sphere, but in that sphere supreme. The

\* 'Ecclesiastical Polity,' VIII. ii. 1.

great mischief is that some persons seem positively unaware of *both* these senses attaching to the phrase; the statutable sense, and the unofficial popular sense; some get one exclusively into their heads, and some exclusively the other. Hence endless misunderstanding, perplexity, and confusion. It were to be wished that some person of weight, distinctly recognising both senses, would suggest such distinguishing epithets as would be generally adopted. In the Irish Church Debate of 1869 the royal supremacy in both its aspects was, by at least two eminent speakers (29), plainly recognised, and one of these was led to distinguish the especial aspect of the supremacy he was speaking of by the epithet “ecclesiastical.” The other aspect, however, he did not sufficiently designate. The author of these pages would, while adopting “ecclesiastical” thus introduced for one epithet, venture for the second to take the hint in our ordination service, where what is termed the royal supremacy is just afterwards called the royal sovereignty. If then we adopt the term *sovereign supremacy* for that supreme prerogative contemplated by the statute and by the official language of the Church; and the term *ecclesiastical supremacy* to describe the prerogative of privilege and direction which the sovereign enjoys in Church administration, it will at least suit the purpose of this Essay.

#### SECT. XXXII.—ROYAL SUPREMACY AND ESTABLISHMENT.

When it is sometimes said that establishment is the royal supremacy, it is plainly the *ecclesiastical* royal supremacy that is contemplated. If, however, the argument of this Essay holds good, it would be more correct to say that the royal ecclesiastical supremacy is based on, and is a consequence of, establishment, than that it *is* establishment. The Church is established in its property by law; and the law which thus establishes the Church does so under circumstances and conditions, some of these conditions being that the sovereign shall enjoy certain privileges and prerogatives in the administration of its affairs, or, in other words, shall enjoy an ecclesiastical supremacy.

Then this is to be noticed, that the law which establishes the

Church likewise regulates the action of the royal ecclesiastical supremacy. It is but a sarcastic humour, and not a reflecting or a candid one, that affects to confound supremacy with arbitrariness or despotism. The proof of this is that no one ever dreams of making this confusion in secular matters or politics. The sovereign is by law supreme in the constitution. The Queen can create peers, dissolve Parliament, choose her ministers, by virtue of her supremacy in the commonwealth. But every one understands and acknowledges that this is only exercised within carefully recognised limits and after strict precedents. Her supremacy in secular things is not only regulated by precedents and public opinion, but actually controlled by law; in other words, it is legal, and not arbitrary or despotic. The Queen cannot dismiss her judges at her will, nor raise a tax by her sign-manual, nor exact obedience to any proclamation she may choose to issue. Her ecclesiastical supremacy is similarly limited, in some things by precedent and public opinion, in others by actual law. She cannot confer the profits of a living on any one not instituted by the bishop; nor oblige a bishop to ordain a particular person; nor compel the use of any particular prayer in a church; nor can the sovereign officiate in church services within consecrated walls. It ought not to be needful to point out these distinctions between supremacy and its counterfeits. In the days of Elizabeth it was needful to do so only on account of “some slanderous folks” (80).

### SECT. XXXIII.—ROYAL ECCLESIASTICAL SUPREMACY IN ACTION.

The royal ecclesiastical supremacy is seen in exercise in various ways. The nomination to bishoprics is one of the most familiar. The control over the meetings and action of Convocation is another. The true place of Convocation in the constitution of the realm, to be discovered in the forms and technical phraseology of its proceedings rather than in current popular language, is important to be observed. Convocation bears some analogy to Parliament, which makes its difference from Parliament the more striking. Thus for instance; the

sovereign is not the head of Convocation. Convocation, while exercising legislative functions, is not the sovereign's council or ecclesiastical adviser, although it may be so considered in the special instance of its receiving the royal "Letter of Business"; in which case it discharges a duty somewhat resembling that of the "Parliamentary Committee" appointed to examine and report. Nor is the sovereign a constituent part of Convocation, as he is of Parliament. The sovereign does not summon Convocation, although he does summon Parliament. The sovereign issues his writ under the Great Seal to the constituents (through the proper organ) for the election of members of Parliament; but Convocation is summoned by the archbishop's mandate, not the sovereign's. The archbishop however cannot issue his mandate without the Royal Writ directing him to do so. Again, Acts of Parliament are made in the name of the King—"be it enacted by the King's most excellent Majesty, by and with the advice of the Lords spiritual and temporal, and the Commons in Parliament assembled;" but canons are *not* made by the King with the advice of Convocation, but by Convocation alone, its appropriate phraseology being—"We decree and ordain."\* Convocation, on receiving the Royal Licence, may make canons, which however cannot be enforced without the royal assent. These facts are instructive, showing that the Church of England in Convocation is not a department of the Crown, but though under the ecclesiastical supremacy of the Crown is constitutionally distinct from it (31).

Another exercise of the royal ecclesiastical supremacy is in setting apart days of national religious service with public prayers. In this proceeding the sovereign's Privy Council orders the archbishop to compose a form of prayer, in the preparation of which he is left entirely unfettered, either by suggestion or revision. The Council orders the prayer to be printed and distributed at the public expense, and further orders that the prayer be used in all the Churches of England and Wales. Such prayers are in truth "State-ordered," but certainly not "State-made."

\* See Mr. Gladstone's 'Remarks on the Royal Supremacy, in a Letter to the Bishop of London,' Murray, 1850, p. 30.

#### SECT. XXXIV.—ROYAL ECCLESIASTICAL SUPREMACY IN ENGLAND, SCOTLAND, AND ELSEWHERE.

If establishment has introduced a royal ecclesiastical supremacy in the Church of England, how does it happen, one might ask, that in the sister Church of Scotland we do not observe the same thing? To this we reply that that species of control really does exist in the Kirk, although it is not the fashion to call it by the name of royal supremacy, and indeed the phrase is studiously avoided. It is not necessary that the supremacy now under consideration should be exercised precisely in the same way or to the same extent in two established churches, any more than it is necessary that because established they should both use one prayer-book. Different churches have different customs, different traditions, different developments; the histories of their establishment are different, and the legislature which establishes the churches may or may not recognise the customs and allow them. The historical circumstances in fact of these two churches, and the marked contrast of the events in the midst of which their establishment was born, have made all the difference. Thus in Scotland the General Assembly has considerably more latitude both in its meeting and in the enforcement of its acts than the English Convocation; in which respects therefore the northern church has more freedom and privilege than her English sister. The histories of the two institutions must be consulted to account for the difference. The laws which established the Kirk have permitted her to pass her own regulations for the management of her affairs without obliging her every time to obtain special licence and special royal assent; she has, as it were, a general leave to make her own bye-laws. While on the other hand, the laws which have established the Church of England have allowed precedents of quite a different nature to grow up; by which it has come to be the rule that all her regulations, to be binding, must have the special revision and sanction of the Crown. But the royal ecclesiastical supremacy does in reality touch both churches, though in a different manner and measure.

In the General Assembly of the Kirk a layman presides, representing the sovereign and bearing his commission ; without whose presence at the opening there is no valid Assembly nor any valid acts(32). In the English Convocation, on the other hand, the Primate presides. Nor is the advantage by any means all on one side. The Church of Scotland may find herself unwittingly enacting rules conflicting with the common law of the land, exposing her executive to penalties, as she found to her cost in the patronage controversy of 1834—43 ; while the Church of England, if her canons are enacted with all the requisite formalities, fears no such contingency. It was a judgment of the House of Lords, hostile to the legislation of the General Assembly, that precipitated the Free Church Secession in 1848.

In regard to Privy Council prayer-orders there is a difference according to the special circumstances of the two Churches. The Church of England worships with set formularies, and it is ordered by the Lords of the Privy Council that the Archbishop do prepare a form, and the ministers are ordered to use it. The Kirk worships without formularies, and consequently my Lords order that the ministers be requested to offer prayers in their own way.

In the matters then of church legislation and occasional special prayers the two Churches differ, not because the royal ecclesiastical supremacy prevails in only one of them, but because of the varying circumstantial details with which the Churches were established and that supremacy with them. If we may be plain, we account for the difference thus. The English Church, with its prelatic constitution and its having come down in history with traditions of great power in the commonwealth, and especially great Ultramontane power, has occasioned the royal ecclesiastical supremacy to be exercised in her with considerable jealousy. The Kirk has had no such traditions. She has had power too, but this has been domestic, not ultramontane. At the period of her establishment moreover (1690) the day of ecclesiastical domination in the State seemed to have passed away, and the Crown's jealousy relaxed accordingly. The form therefore rather than the power of the royal eccl-

siastical supremacy has been preserved in that Church. The State has been as the touch of a little finger in Scotland, but in England the steady grasp of the hand (33).

This branch of our subject will be more complete by the consideration of a few additional illustrative facts. We have spoken of stipendiary church establishments, which makes it necessary that we should characterise the Roman Catholic body in England and in Ireland. In both countries this communion receives stipends from the public revenues, for ministering to the army, to workhouses, and to prisons. In Ireland it has, in addition, been endowed with a college and a capital sum of money. Does our view then require us to admit the Roman Catholic communion existing within the United Kingdom as belonging to the category of established churches? Most certainly it does. In an inquiry like the present we must not permit our progress to be obstructed by current phraseology or by the want of it; and a comprehensive survey, with an attempt to bring terms as nearly as possible into the shape of definitions, will lead us sometimes into unexpected positions, which, as we must not shrink from them, we trust will not expose us to the suspicion of affecting paradox. To affirm not only that the Church of Ireland was *not* disestablished by the Act of 1869, but also that the Roman Catholic communion *is* established there and likewise in England, is startling we must admit.

During the Irish Church debate in the House of Commons\* an eminent statesman asserted with much emphasis that the Roman Catholic religion in Ireland was "established;" meaning by the term that it was planted and fixed there as a powerful organisation under papal authority. There is no objection to this language any more than there would be to our saying that a Wesleyan connexion has been established in such a town under the authority of Conference. But the term "establishment," while speaking of churches, is commonly understood as being *by law*, even when those words are not expressly added; and it is only thus that we employ it. When therefore we say that the Roman Catholic communion is established in Ireland, we are not speaking in Mr. Disraeli's sense.

\* On clause 2, in committee.

The Roman body in Ireland is by law established in various stipendiary chaplaincies, and in a college; but not in those ancient ecclesiastical endowments—the cathedrals and parish churches. In possession of the latter the Church of Ireland alone is established. We may make a similar statement in regard to England, omitting the college. There can be no difficulty in assenting to this statement; nor is there anything in it to throw the least logical disturbance into that view of establishment which we maintain in this Essay to be the correct one. The Roman Catholic Church, possessed of chaplaincies at the public cost and under the authority of law, is one of the *varieties* of establishment, and a variety to which the word is not popularly applied; but the establishment need not be the less a fact on that account. It came in by degrees and without observation. It was not enacted by a formal and comprehensive measure challenging public attention by any obtrusive nomenclature; and therefore no one thought of calling it an establishment by law. When however we are studying facts, and classifying them according to fundamental resemblances, we must not be deterred from giving a name which we find fairly belonging to varieties which have somehow hitherto escaped due attention.

But in these two established Churches in Ireland where is that royal supremacy in ecclesiastical matters which we have in this Essay connected so distinctly with establishment? We reply that the non-existence of it in these instances would create no difficulty for us. For although ecclesiastical supremacy is exercised only in a church by law established, it by no means follows that it *must* be exercised there. We have just seen how this supremacy or control is less in Scotland than it is in England, arising from a difference in the circumstances of the two Churches; and there would be no difficulty in going a step further and imagining a church where control would be still less than it is in the Kirk, or even where it would be entirely wanting. A little reflection will show that the degree of this control is purely a matter of policy; it may be much and real: it may be nominal, it might be *nil*. It might not be worth government's while to claim any control or to be troubled

with its exercise ; and that, purely on account of the weakness and insignificance of the church established ; or indeed it might for other reasons be impracticable (34). The circumstances and the particular nature of the establishment would influence the policy and make all the difference. Establishment in special chaplaincies with quarterly salaries might not call for an ecclesiastical supremacy so stringent as an establishment in freehold parochial and episcopal estates. An establishment in modest fabrics with slender plats does not necessitate so much governmental control as one in rich glebe-lands, tithes, and noble edifices with flocking congregations.

Speaking however with absolute precision, the Roman Catholic communion is not without the ecclesiastical supremacy ; for nothing else than this is the veto on a chaplain's appointment and a power of stopping the stipend which the government authorities possess. As a matter of fact, this control is exercised in a manner as little interfering as possible. Government recognises the rulers of the Church and their authority over subordinates, and if a bishop suspends a chaplain from spiritual functions, it is content if it can avoid asking the reason, and simply ceases to employ the chaplain. The latter, in such an event, should he believe himself to have sustained an injury in his estate, can appeal to the civil courts for redress. The circumstances of the case are presumed not to require a more stringent control than this. Those circumstances might have been otherwise. Mr. Pitt was willing to grant the Roman Church in Ireland a much higher position ; he would have established it in a stipendiary parochial ministry ; but in return he would have required for government more influence and stronger checks ; in fact, would have insisted on some species of concordat. But suppose a chaplain to receive from his superiors a sentence of suspension, which he averred to be invalid, the civil courts supporting him in this averment ; what course would be open to government ? To deprive the chaplain were to stultify the civil authority of the State, and this would be impossible. To continue him in office would be to side against the Church authority and stultify its acts, employing a priest at the altar who might be under the ban of excommuni-

cation. Yet it is difficult to see what else than this the government could do ; and here we should have a conspicuous example of royal ecclesiastical supremacy in action in this type of an established church. It would be a no less conspicuous example of a State establishing a church whose spiritual authority it had ecclesiastical supremacy enough to resist, but was without any constitutional means of regulating (35).

Touching now very briefly upon other instances, we may observe that some of the colonial governments grant annual subsidies to Christian denominations, without any interference however in their internal management. Various American States, as we shall further on have occasion to notice, left their old "disestablished" churches in possession of fabrics and endowments ; so poor however were these in general, that no right of control whatever was retained.

It is clear then that the Ecclesiastical Supremacy of the State within established churches is regulated by policy and convenience. In all other countries it varies according to the manifold circumstances of the Church and the State. But the principle is invariable, and, it cannot be denied, it is necessary. The nice and considerate adjustment of the civil and ecclesiastical claims requires Christian temper and wisdom in leading men on both sides, equally free from secular overbearing and ecclesiastical arrogance. The principle, we need hardly say, is never lost sight of in this country, or never for long, by public men. Before the Church of Ireland was reduced, it was distinctly held out that the control which the State would continue to exercise over her internal affairs would be in proportion to the amount of influence which the "disestablishing" Act might leave to her (36) ; and similar language is perpetually employed in regard to the Church of England whenever the question of reducing her is discussed (37).

Before passing on, we would here notice more particularly the somewhat vague phrase "connection between Church and State," which is often, but very wrongly, thought equivalent to "establishment." It has reference principally to the exercise of the royal ecclesiastical supremacy, and therefore it varies in different established churches from much to little or nothing.

We may sum up, then, by saying that the established Church of England is very intimately connected with the State; the established Church of Scotland less intimately; the established Churches of Ireland still less; the established churches in some of the colonies hardly at all. Why colonial governments, at all events the younger ones, require no more "connection between Church and State" is obvious: the churches have no power at present to embarrass them, and therefore government have no motives for encumbering themselves with such matters; while it is also their policy to encourage the settlement of their land and secure order and good conduct among their people by all the aid they can bestow for the propagation of religion (38).

On the other hand it is quite conceivable that governments would feel themselves under the necessity, for their own defence, to maintain a connexion between Church and State more in the way of control than of privilege. Nay, matters might come to such a pass that it would be necessary to make the connexion one of control alone, without any privilege. Even a non-established church, it is just conceivable, might from circumstances become so perilous and obstructive to government, or so unfavourable to public morality, that it would be necessary to exercise over it the most watchful control, drawing tighter and tighter, in this sense, the connexion between Church and State (39).

#### SECT. XXXV.—ROYAL SOVEREIGN SUPREMACY.

The royal *sovereign* supremacy affects all bodies equally whether the Church or Nonconformist. The law courts may be appealed to, and if appealed to will decide disputes for them in all cases alike; they will determine whether a clergyman may kneel at a certain prayer, or whether a Baptist minister may withhold the sacramental elements from the unbaptized. If the members of the Nonconformist bodies prefer to settle their controversies without publicity by voluntarily resorting to courts of their own, in other words to arbitration, that is another matter; but any one of them who is aggrieved may sue at the sovereign's court on matters especially affecting their own denomination, its doctrine or its discipline (40). The

Churchman and Dissenter differ in this, under litigant circumstances, that the Churchman's church being established by law, his case will be tried by standards which the law of its establishment has provided; while the Dissenter's church being of the nature of a private association, his case will be tried as a breach of private contract. The sovereign's judges will try the Churchman's case and the Dissenter's case, though in different courts. The Dissenter will bring his case into the Court of Chancery, with an appeal to the House of Lords. The Churchman may be brought into a common law court on a breach of the Act of Uniformity,\* and an appeal will lie to the Lords; or he may be tried by his bishop (in the Diocesan Consistory Court, or the Court of Arches),† appealing to the sovereign in council. Either the sovereign's judges therefore, or the sovereign in person (41), give the ultimate decision, by virtue of the royal sovereign supremacy reaching to every subject in the realm. The royal ecclesiastical supremacy does not touch this question; but establishment or non-establishment may determine the particular mode and channel in which the sovereign supremacy deals with the case, the law having arranged that appeals from Colonial Courts, the Admiralty Court, and the Arches Court, shall be to the sovereign in council, while appeals from all other courts shall be to the House of Lords (42).

### SECT. XXXVI.—MISTAKES RECTIFIED.

Having thus established, as we hope, the true sense of the terms by which our position as a national Church may be fitly described, we now adduce one or two instances of misunderstanding, in rectifying which we shall perhaps still further elucidate our exposition. “Henry the Eighth founded a new Church in England”—is a frequent form of sarcasm. If a new Church was founded in the reign of Henry VIII., it is very strange that eminent men of that day were so little aware of it. It must have been re-founded after Mary's death, and

\* See Lord Shaftesbury's speech in the Lords' Debate on the Ecclesiastical Courts and Registries Bill,

February 19th, 1872.

† The judge of this court is appointed by the Metropolitan.

then succeeded a new set of eminent men wholly unaware of what was taking place. Indeed those ecclesiastics were not babes that they should see a new Church founding or re-founding, and yet go on so unsuspiciously talking and writing of “the Church,” “the Church of England,” “Anglicana Ecclesia,” meaning the historic communion which from so many generations had descended to their day. Cranmer, Jewel, and their brethren, were learned men and able theologians, living in times when it was perfectly well understood what a church was; and where do they talk of a new church being founded? And which of all the measures of that reign could be called the founding of a church? Even so careful an historian as Bishop Short might seem to countenance such reproaches, when he wrote—“The existence of the Church of England as a distinct body and her final separation from Rome may be dated from the period of the divorce.” But these words, if not so clearly put as they might have been, surely refer to nothing but the withdrawal of the Church of England from connection with the Bishop of Rome, not to any founding of a new Church. Moreover, the ecclesiastical measures of the reign were done by public legislative authority, and not “by Henry the Eighth” (43).

Once more, and now we touch the words of a friend. The first Parliament of Elizabeth (1559) is stated to have “passed the two great Acts by which the alliance between Church and State was established, those of Supremacy and Uniformity, neither of them indeed now enacted for the first time, but both statutes of Henry or Edward with certain amendments, revived” (44). What can “alliance of Church and State” possibly mean here? The Act of Supremacy repudiated the usurped jurisdiction of a foreign power; and the Act of Uniformity commanded the use of a particular service book in public worship; and this was the alliance of Church and State! If we have such perplexing statements from friends, how can we be surprised at what we get from foes? One cannot help thinking that the Church of England has hardly even yet been fairly studied in the presence of modern questions. There are palpable indications of this in current popular literature.

Signs of cursory and superficial work are but too evident. Not unfrequently Acts of Parliament are wrongly cited, and the dates of their passing appear in various writers with endless discrepancies—discrepancies almost invariably due to the altered reckoning of the year's commencement, the season when Parliaments have usually met. Students following out events from week to week, connecting legislation with occurrences, and keeping close to official records, would usually escape such pitfalls. It is perhaps hardly too much to say that since the date of Hooker the Church of England has not yet received from her children that affectionate solicitude which would be ambitious to place her before the world throughout her whole history in fullest detail, with all the attractions of patient investigation, sound statement of facts, and the best style of the historic muse.

## CHAPTER IV.

## THE PRINCIPLE OF ESTABLISHMENT AND ROYAL SUPREMACY VINDICATED.



## SECT. XXXVII.—ANCIENT ENDOWMENTS NECESSARILY IN LAND.

THE fabric of the Church of England, considered apart from its internal and scriptural constitution, is in a great measure the growth of circumstances, and on this account, in testing the soundness of its principles and groundwork, we cannot do better than proceed once more by an historical method.

In the first place it should not be forgotten that the provision we now enjoy for the maintenance of religious worship originated in the earliest times, when the most obvious mode of making endowments was by gifts in land or in the produce of land. The modern facile methods of investment were unknown; money was scarce; land was plentiful, scantily cultivated, and cheap. Land endowments then were the convenience and the necessity of the times.

## SECT. XXXVIII.—LANDED PROPERTY RIGHTFULLY SUBJECT TO SPECIAL PUBLIC CONTROL.

But there is ever this peculiarity clinging to property in land, that, forming as it does a portion of the area on which a nation is located and on which its subsistence in a great measure depends, it must always to some extent, and the more as population increases and the soil augments in value and importance, come under public control. It is otherwise, as we need not stay to show, with a proprietorship in precious metals, farm stock, and other moveable goods. The Church then,

being endowed in land, was perpetually subject to the control and regulation of government in regard to her property ; and in process of time how naturally would grow a popular impression that her dowries originated in government grants and continued to exist as public property ! (45)

#### SECT. XXXIX.—ABSENCE OF TITLE DEEDS NOT TO BE MISINTERPRETED.

Again, we cannot help thinking that the popular impression just referred to is very much strengthened by another circumstance. The Church holds her estates without those written title deeds which other landed proprietors have to show. Being, as it is well understood, a body not incorporated, she cannot in absolute strictness of speech, as a Church, hold or receive property at all. Her houses of worship and burial grounds are appropriated to her by a force which the law attaches to the spiritual act of episcopal consecration. Her glebes and parsonages stand somewhat differently, as these are vested in incumbents as corporations sole. Incumbents are connected in that framework called “The Church” by the system of law which constitutes an Established Church ; and thus it is the property belongs to “The Church.” In this method of proprietorship, we do not say that indentures do not convey a property, or do not exist in all modern transfers ; but after their first issue they remain out of view, and ceremonial acts duly registered, such as consecration, institution, and induction, sufficiently establish the Church’s title to what she holds, and provide for incumbents succeeding incumbents with the same legal security as accompanies the signing, sealing, and delivery of parchments in other successions.

Going back into periods that are not modern, we meet with an absolute blank of written conveyances. But the absence of documentary titles of remote date is not peculiar to the Church. She is older than the monarchy. No landed estate probably can show a title of that antiquity. Deeds a very few years old are all that the law requires for a valid title to private estates. When fires, ravages of war, and civil disorders, and such like,

have done their work, the only surviving title is prescription, for Church property and for private property alike. For the Church's recent acquisitions and for valid successions to her benefices, the law dispenses, as above stated, with the passing of deeds from hand to hand, and allows an official record to suffice. This however does not make her proprietorship less genuine, or prove that she is merely a free tenant of public estates ; and we must not allow ourselves to lose sight of the fact that it is voluntary benefactions she inherits, not public grants she enjoys.

#### SECT. XL.—THE ESTABLISHMENT PRINCIPLE NOT OPPOSED TO THE VOLUNTARY.

The establishment principle, according to our model of it, is not opposed to what is usually understood by the "voluntary." Whatever may be affirmed as to the stipendiary established churches of the continent, it is otherwise in this country. Setting out of the question the prodigious modern development of the "voluntary system" in the Church of England, to which we shall refer again in another connection, we must not forget that the system on which the Established Church is based is *essentially* of a voluntary character. We have in fact most incautiously surrendered the term "voluntary system" to our opponents. But where is the voluntary system, if not in the Church of England ? If a field was given by a landlord twelve hundred years ago for providing religious ordinances in his parish for ever, and a cheque was paid into the bank yesterday by a merchant to defray the stipend of his minister, in what respect is the cheque more voluntary than the land ? The law allows the field to be vested in the incumbent for the benefit of the parishioners, and secures it from spoliation. Does it by so doing take it away from anybody like a forfeit or a tax, and bestow it upon the parson ? Of course not. The difference then which is wrongly described in such an antithesis as "the establishment system" and "the voluntary system" lies plainly here, that the Church capitalised its gift, the dissenting congregation did not ; the former conducts its operations in a great

measure on gifts so capitalised, the latter in a great measure spends what it gets and as it gets. The spending plan may be better than the investing, or it may not; opinions will differ; but to deny the voluntary origin of one class of benefactions as well as the other is useless (46).

#### XLI.—ENDOWMENTS NOT WRONG IN PRINCIPLE.

But the controversy of the present time reaches further than to the question whether the endowing system is expedient or not as compared with the rival one. Our defence requires that we should settle the question—Is it right, or is it wrong? The result aimed at by our opponents being the confiscation of the endowments, it is not sufficient for them to show that endowments are less effective for their purpose than subscriptions; they are bound to show that endowments are wrong in principle and not to be used, not even to be tolerated, with a safe conscience. And who will prove that they are wrong? Many will argue that to pay the clergy out of the general taxation of the country is indefensible. But that is utterly beside the mark; no one maintains that principle, and we at least in this Essay have no controversy with it. If the Bible is appealed to, the Bible, as far as it can possibly apply, is on our side. When we show that endowments are enjoined and practised in the Old Testament, both in land and tithes, this indeed is not sufficient to prove that they must as a matter of Divine obligation be continued now and amongst us, nor do we assert that it is; but it proves, and proves irrefragably, that it is not in principle contrary to the Divine Mind.

To say that endowments were not practised nor enjoined in the New Testament is but a nominal argument against them. The precarious circumstances of the infant Christian community would make that plan of support about the least judicious conceivable. Unless the law afford its unequivocal protection, endowments are but invitations to robbery, and in the Apostolie days the Christian brethren were necessarily exposed to persecutions enough without courting others by their own imprudence. The Empire would not own them;

and was an untolerated sect in the years of its early feebleness and exposure to go and encumber itself with endowments? We should as soon expect it to erect steeples and ring chimes in the midst of a fanatical population.

As to there being no injunctions for endowments in the New Testament, we are to bear in mind that precepts of practical life are enjoined by Christ and His Apostles just when and as they are applicable, and no otherwise. Consequently no one who has drunk into the spirit of the New Testament will ever dream of finding there injunctions that must lie inoperative for decades of years; directions for the next generation, or the next, to bestow their bounty in the special shape of endowments as soon as ever the temper of the times may render it prudent to do so.

We must be excused then for saying that to argue against an endowment system on the ground that the New Testament contains no example or direct precept in its favour is only trifling with a great subject.

But for all this, we need not by any means leave the New Testament out of view on this question. A reflecting mind will not fail to observe, in what is found in those sacred pages, preluding hints of how the Christian system would develope itself in the natural course of things. This is clear, at all events, that the voluntary support of the ministry is strictly enjoined. The cause of the Church accordingly started in the world with that positive and urgent precept wrapped up in it like a seed. The precept would work its way into activity according to time, place, and circumstance. If we are not mistaken, the whole future of the endowment system lay there implicitly. For the great maxim of the Christian cause, propagated concurrently with it from the very first, was that *the people were to defray its expenditure* out of their own means. That was a new idea. Religious worship had been hitherto provided by the State; the heads of religion were the heads of the State, and the public revenue supplied the expenditure. Government found their interest in controlling, if not directing, the current of popular religion. Providing for its due exercise was therefore strictly speaking a department of the State, and

the people looked to the State to take care of its temples and ceremonials as it did of its barracks and its navy, its theatres, baths, and aqueducts. Christianity began from the other end, enjoining its adherents to make their Church a self-supporting institution for the blessing of mankind. It was Christ's gift to the world. The law of self-denial—"freely ye have received, freely give"—was to be the law of its maintenance and its mission.

Ere long time revealed how this law would develope itself. It is an historical fact that even before the Church was legally tolerated, but after it had attained to some vigorous growth, benefactions did take the form of endowments. With more or less secrecy, with more or less connivance of the authorities, endowments, even landed endowments, as Gibbon relates, were on foot. When Christianity became at length established, the Church was found endowed with considerable possessions. In spite of the precarious tenure on which alone such property could be held, and its constant liability to forfeiture, the Church was an endowed institution, and the law of the Empire had only to legalize what it found existing, not to create a system of support.

In regard to tithes, too, we should bear in mind the situation of the earliest Christians. Isolated in the world, without historic institutions, without old precedent, jealous of the religious language around them, how natural was it that they should fondly seek to link themselves on with the only sacred past that they could sympathise with, and endeavour to produce in the Church some counterpart, both in practice and language, of what existed among the ancient people of God, remembering that Paul himself had taught them that the Gospel facts were Hebrew promise. No doubt, there lurked mischief in this tendency, but it does not follow that all was unjustifiable. As then they required a methodical and vigorous financial plan, that so the common burden should fall proportionately on the members, something in the nature of a rate would soon suggest itself, and what was more natural than that they should bethink themselves of the sacred tenth of the earlier Word of God? Accordingly, this voluntary rate was diligently

inculcated, and Christians \* who possessed the slightest sense of duty laid the obligation upon their conscience to tax themselves in this ancient, Scriptural, and pious portion of their profits—in all their industries, not farming alone—just as many persons to this day make it a point of conscience to devote a tenth of their revenue to religious and charitable purposes.

When the Bible then is appealed to on the question of endowments, we feel ourselves entitled to claim its support on our side, so far at all events as to prove that they cannot be on Scriptural principles immoral. It accordingly follows that if we consider a system of endowments as the best practical method of carrying out objects that are confessedly good, and can prove it not wrong in principle, it is certainly right for us to have them, whatever it may be for those who have scruples about it. Indeed we are entitled to ask who those are that object to endowments for religious worship ; for it is no secret that most non-established churches do enjoy them.†

#### XLII.—CHURCH ENDOWMENTS NOT FROM THE STATE.

We are relieved from arguing the question whether States are bound to provide for the religious teaching and worship of the people ; and for this simple reason, that in the Established Church of England no such provision is made by the State. The State does not provide for the support of the Church ; it only protects the Church in property provided by her own members. This of course leads to the question whether tithes and glebe lands originated in State grants or in private benefactions. The evidence of history we must consider as conclusively in favour of the latter. But the nature of the proof is somewhat indirect. As generally stated, it is perhaps felt by many to be more convincing as regards glebe lands than as regards tithes ; but we claim that our ablest

\* See Gibbon's 'Decline and Fall,' ch. xv.

† Mr. Cubitt's speech in the House of Commons, July 2, 1871, gives much interesting information as to Noncon-

formist opinion and practice on the subject of endowments. The speech has been separately published, with valuable notes and appendices, for the Church Defence Institution.

historians who bear the reputation of candour and research among us take our view; and Nonconformists likewise may be cited on the same side of the question (47). It would occupy us too long to summarise the argument, and we shall only add here what has struck our own mind in addition to what is ordinarily said.

In the preceding section we showed how the Christian Church had become extensively endowed and her members had accustomed themselves to offer tithes before she was recognised or legally tolerated by the Roman Empire, before therefore the Church became in any sense established by law.

This interesting fact is not to be lost sight of. It shows what was the natural history of the endowment system. It reveals that voluntary benefactions on a large scale had become the rule in the Church long ere it was possible that governments should have provided her with revenue; that they were practicable independently of governments and in spite of them; that offering in land and tithes had become a recognised rule of conscience. When therefore we cannot trace by positive evidence the actual history of any individual endowments of Christianity in remote antiquity, we may feel quite safe in assuming their origin to have been in private beneficence rather than in governmental or State regulations. The habits and the maxims rooted in the Church from a period long anterior to State favour is *sufficient to account* for Church possessions; and this being so, the voluntary origin may be confidently asserted until the contrary is proved. In other words, the onus of proof as to the State origin of ancient Church endowments lies with those who assert such an origin.

Again, we find it often said that tithes and glebes may be accounted for as private benefactions on the ground that landlords desired to provide for the spiritual benefit of their tenants and cultivators. We think there is a missing link in such a statement. For as all experience shows the land-owning class, like other classes, to be of various dispositions, some religious and some not; how can it have come to pass that tithes and glebes, one or both, are universal in the

country? Does not this suggest some past action of the legislature rather than the varying practice of individuals?

We would suggest then the following considerations. The landed proprietors felt it their *interest* as well as their duty to provide religious worship among their people. Religion and its ministers were proved by experience to be a civilizing agency, and the landlords found their account in securing such order and legality on their estates as usually follow in the train of Christian ordinances and Christian education. Kings too must have felt this on behalf of their dominions, when they encouraged the landed gentry to build churches by bestowing the title of thane upon all who did so (48). But the bishops in the early English Church were a very influential order, and would bring all their influence to promote the same ends. It only remained for them to exact as a condition of consecrating any church that there should be sufficient endowment for the minister; and if the united episcopate made it a *sine-quâ-non* of consecration on any estate that its tithes should be granted for the purposes of the Church, this (recollecting how the payment of tithes had grown to be a maxim of conscience) would at once account for the universality of their payment, and for the very general prevalence of glebes. A moral constraint of this sort, appealing to men's interest and conscience, is a very different thing to legislative compulsion. The former may still produce a voluntary benefaction; the latter only a tax.

#### SECT. XLIII.—STATE RECOGNITION OR ESTABLISHMENT BY LAW INEVITABLE IN EARLY DAYS.

The endowments then having been made and allowed without any violation of sound principle, as we will now assume, the public law granted them its security and saw that they were used for the purposes for which they were originally made. In so doing, the legislature had to recognise the religious body then in possession of them as being that Christian Church for which they were intended. It had to recognise it at each successive generation as the Christian Church of the day, by the marks and tokens which it bore, by its ritual, its doctrine, its

mode of government and administration. For how was its identity to be determined? When necessary modifications in its forms and rules were always going forward, who was to say that it was the identical body to which the original endowments rightfully belonged? Who was to prevent a schismatical or a reforming party in the midst of it, or a faction in it that resisted every change, from claiming to be the genuine succession, with the only title to the endowments? This must have rested with the public authority of the realm. But when the civil power guarantees to a society the possession of its endowments (comprising fabrics and lands, we must remember, and not government stipends that could be paid to two bodies concurrently), those endowments not being held by written deeds defining and identifying the society; and when in the absence of such defining deeds the civil power has to make its own rules for recognising the society's succession, we have really all the essentials of a Church established by law. We will illustrate again from the Church of Ireland. Parliament guarantees the "disestablished Church" possession of the old cathedrals and churches of Ireland. But it must recognise that Church by some token; for in process of time, if the body were to split up, who will say what is the "Church of Ireland" to whom the edifices belong? The Act therefore defined the Church of Ireland which it intended to recognise (49). What else could it do, if it left the Church a stone remaining? The same thing in principle must have been done in early times. The State, not necessarily by any distinct enactment, but by some equivalent process, must have recognised what we may call a civil existence of a corporate nature as belonging to that society which it intended to remain in possession of the endowments; and only thus was it possible for that society so to remain in possession from generation to generation. Thus, we repeat, grew up a Church by law established; and we must avow our conviction that the statement of this origin is a defence of it. At all events, who will show us how else Christianity could have been maintained in national dimensions and could have flourished in this country, in those early ages? It will not do to tell us how we should act now in this

generation if it were all to do afresh. Our opponents must take the problem in its genuine form: given the times, given the circumstances as they then existed, to show how a Christian Church should have been planted in England so as to produce the greatest good for those times and unto the remotest period; and to show this with such certainty as to convince us that the plan actually adopted was radically vicious, absolutely bad, and ought never to have been sanctioned by Christian men. We feel we have good right to demand that objectors should grapple seriously with the problem to which we here challenge their attention. Until this is done we shall assume that the principle of an established church in the early Christian planting of England was defensible, sound, and right, and that this nation owes much to our primitive Christian benefactors, and to the wisdom of legislators who supported and encouraged their liberality and secured its benefits. That they were wrong in principle we need some powerful reasons indeed to convince us, in presence of the fact that the institution they planted so long ago was at all events such a success as to have reached these days with the amount of efficiency that we now witness.

#### SECT. XLIV.—DISENDOWMENT NOT REQUIRED BY THE REFORMATION.

Supposing then that we have found no convincing refutation of the establishment principle as appertaining to those early days, we pass down the stream of history and inquire at what period the principle did become objectionable, indefensible, unchristian. In other words, at what date, in what reign, ought the Church of England to have been disestablished and disendowed? Ought it to have been at the Reformation? There exists, doubtless, an impression more or less definite that that was the proper time for her to have started on the liberationist theory, and we had better therefore now address ourselves to this point. We ask—why ought she to have done so?

Was it that a Protestant Church had no right to appropriate

to itself property given to the Church of Rome? But there never was a Church of Rome in this country. It was always the Church of England, and it never went by any other name (50). The Church of England was in communion with the Bishop of Rome, but this did not make her the Church of Rome. In France there was the Gallican Church, likewise in communion with the Bishop of Rome, but this did not make that Church the Church of Rome. Both the Gallican and the Anglican Churches connived more or less at the papal claim to be the supreme head of all Churches; but neither did this make these Churches the Church of Rome. If all the Churches of Christendom had acknowledged the Bishop of Rome their head, they would have still been distinct Churches, with their own rights, customs, and privileges. The ecclesiastical endowments in England therefore, having never belonged to the Church of Rome, could not have been taken away from it. They belonged to the Church of England, and to no other. Current language here (and it is really very loose) has given our minds a warp, and the only way to emancipate ourselves is to view the actual fact that underlies it, and express it by a more satisfactory term. It would then be correct enough to call that sisterhood, or family of churches, which looked to the Pope a *Papal Communion*, because they really were in connexion with the Pope. The "Church of Rome," located in Italy, was only one member of it; the Church of England was another. When the Church of England reformed her worship, she was the Church of England still. When papal bulls were by law prevented from entering England, the Church of England repudiated her connexion with the Bishop of Rome, but remained the Church of England still. When English subjects were forbidden to resort to the judicial courts of the Pope, the papal usurpation of supremacy was overthrown in England, but the Church in this country was the Church of England still. The adoption of a new prayer-book in her public worship did not make a new Church; nor yet did the enforcement of the old laws against papal intrusions make one. The Church of England had as much right to adopt a new liturgy as she has to adopt a hymn-book, or a new

table of lessons, or a new version of the Bible, and she did not thereby cut herself off from her historical continuity.\* Neither did she separate from Rome, strictly speaking, for she was never united with the *Church* of Rome. The *Bishop* of that foreign Church had been long suffered to have a certain voice within the Church of England. All at once that voice among her flocks was silenced. But this was not even schism. The Archbishop of Canterbury exercises no right in the Scottish or the American Episcopal Church; nor have the chiefs of the two Churches of Scotland and America any rights in England, nor any in each other's country. The three Churches are not therefore in mutual schism. It is absurd then to speak of the Church of England as having at the Reformation appropriated to herself endowments made to the Church of Rome. The very thought indicates an utter confusion of ideas and a supposition totally at variance with history. It supposes that there were two rival corporations or Church bodies existing separately and side by side contemporaneously, and that a transfer of property took place from the one to the other; whereas the fact was that there existed two parties in the same Church, each trying to get its own views of worship and doctrine recognised, and each in turns succeeding, the reforming party succeeding finally.

#### SECT. XLV.—ENDOWMENTS MADE TO THE CHURCH OF ENGLAND, NOT TO THE CHURCH OF ROME.

But again; it may be said that the endowments were made to the Church of England when it was in communion with the Pope of Rome and professed the doctrines of the Pope of Rome, and that those endowments were granted on the understanding that that state of things would continue; that when therefore the Church of England broke from the Pope and repudiated the old doctrines, she was bound on the principle of good faith to abandon those endowments, and that if any one has a right to them it is the Roman Catholic body of the present day. Let us examine this.

\* We refer again to Burke's words quoted in Note 10.

Most of the ancient endowments, as tithe and glebe-lands, were made in the very earliest periods, when connexion with the Pope was very slight, long before he tightened his reins into supremacy, and also long before some of the most distinguishing doctrines of the papacy arose. How then did the repulse of that supremacy and the abandonment of those doctrines necessitate in justice a surrender of the endowments? If the argument is worth anything, the endowments were forfeited at the very first doctrinal innovation, and the right of them reverted to the original donors, or at any rate remained in abeyance until the innovations were discontinued.

#### SECT. XLVI.—ROME AS WELL AS ENGLAND ADOPTED NEW STANDARDS AT THE REFORMATION.

Still however an objector might urge: Granting that in regard to the *primitive* endowments no forfeiture was justly incurred; yet all those belonging to a later date, and made in the full tide of papal sway, may certainly be claimed by the adherents of the old doctrines. Can we answer this? Very easily.

The Church of England abandoned several old doctrines at the Reformation, no doubt. But did not the adherents of the Pope also at that epoch adopt new doctrinal standards? We are not to forget the Council of Trent. If the Church of England received the Thirty-nine Articles, the papal Churches likewise accepted the Tridentine decrees and the Creed of Pope Pius IV. There is also this important thing to notice, that several doctrines repudiated by the Church of England at the Reformation were doctrines *prevailing* indeed, but resting on no sufficient Church authority; doctrines propagated by individual doctors and local or inferior synods, but not the official voice of the Church. They became the official voice of the papal communion only through the Council of Trent (51). Why then might not the Church of England decline to adopt doctrines which had never yet been made binding by the highest authority in the whole Catholic world? The Church of England therefore, speaking with the utmost strictness, did not abandon her position one whit more than

the Churches of the papal communion abandoned theirs. The case was this: there were certain non-authorised doctrines prevalent; the Church of England repudiated them; the papal communions authorised them. If the paulo-ante Reformation endowments then ought in fairness to have been abandoned, who were the parties to claim them? Then moreover, even if it could be made out that the Roman Catholics of the present day are the rightful inheritors of the old endowments, it could only be the "Old Catholics;" for the papal Catholics have become parties to still more recent deviations from the ancient doctrines, and are pledged to the Immaculate Conception and the Infallibility of the Pope (52). If therefore any endowments were rightfully forfeited by the maintainers of "Justification by Faith," they cannot at least be claimed by the adherents of the Creed of Pius IV. or the dogmas of Pius IX. This answer is abundantly sufficient to stop the mouths of those who so rashly aver that the Church of England robbed the Church of Rome at the Reformation. But there is another and an independent reply that has ample weight with any candid mind, namely the absurdity of arguing as if no endowed body can reform itself without forfeiting its endowments; from which it would follow that our ancient grammar schools have incurred confiscation because they have adopted in their curriculum new grammars, modern languages, and the Baconian physics.

#### SECT. XLVII.—ENDOWMENTS SAVED BY THE REFORMATION.

There is yet a further plea that may be fairly adduced. We have to bear in mind that surviving endowments have been *preserved in existence* as the result of the Reformation. The abuses of the Church had rendered men's minds so hostile to her that in the process of reforming there was a danger of her being stripped of everything. When the Reformation had grown firmly rooted and it became evident that the Church's patrimony could be and would be employed to more worthy ends, this spirit of plunder was checked; the result being that the bulk of the ancient endowments, or at all events a very large and noble proportion of them, have come down to our days. What was it that saved us this precious inheritance?

Unquestionably the reformed faith. What has been the fortune of Church property in our own times in the Roman Catholic countries around us, as France, Germany, Spain, Italy? It has been confiscated by wholesale. But in England, through the enlightenment effected by a purer religion, and through the stability of our institutions resulting therefrom, Church property has been preserved from the wreck of revolution, and our population has been trained to that general liberality of sentiment to which an appeal for "restitution" is now made. Has then the Reformation earned no title for itself? If a salvage party succeed in navigating home a drifting wreck, are they to be pounced upon by the former owners as robbers as soon as they come safe into port?

But many of those who loudly proclaim the justice of "restitution," would by no means be pleased to see the ancient endowments in papal hands; and they only use this language, as one cannot help suspecting, because it comforts them to taunt the Church of England with being a receiver of stolen goods (53). We will pass on then from the matter of endowments, and consider other objections brought against the principle of establishment.

#### SECT. XLVIII.—THAT THE ENGLISH REFORMATION WAS ESTABLISHED BY PARLIAMENT.

It is urged to our disparagement that Parliament was the agent in establishing the Church of England at the Reformation; that she is a State-made Church, and that her members pray State-made prayers, and so forth—language, by the by, anything but respectful to the State, which nevertheless, if we can look upon it aright, is not an unholy thing. But before replying to the indictment we will revise the terms in which it should be made; for we have shown abundantly that the Church of England was *not* first established, nor yet first formed, at the Reformation.

What we confess to, and what we will defend, although our opponents will not perhaps think it any less a reproach, is this, that the Church of England was originally established, and afterwards at the Reformation purified, by the authority of the

national legislature. As to the former point, it is a sufficient defence to refer to what we have already sought to prove, the lawfulness of an Established Church in the true meaning of the term. If the Church was to be established and maintained in possession of her endowments, what authority could do this but that of the supreme legislature? We may be permitted then to dismiss this point thus briefly and pass on.

More ought undoubtedly to be said as to the action of Parliament in establishing the reformed religion in the Church of England, and in recognising this communion so reformed as the Church entitled to the endowments in preference to the Presbyterian Church, its younger competitor; in other words, the action of Parliament in taking upon itself to decide which of the two should be perpetuated as the Established Church of this realm. For this really goes to the root of the matter.

#### SECT. XLIX.—PARLIAMENTARY ACTION AT THE REFORMATION DEFENDED.

Our defence rests mainly upon this consideration: the imperative necessity in the circumstances of the times that Parliament should take the matter in hand; and the absence of any principle or direct statement in Holy Scripture to forbid its doing so.

Do we ever sufficiently realise the terrible and wide-spread disturbance of the human mind during that long period of half a century or so which comprised the Reformation epoch? A defence of men and measures at an important historical crisis must ever proceed at a great disadvantage, from the enormous difficulty of getting people to reproduce a past generation before their mind's eye. Most men understand but little of even their own times with any clearness; how blank, almost, is any period of a distant past, and how feebly it is gauged! Very, very barren notions prevail of what the Reformation and the Reformation age really were. Perhaps the commonest impression is that the questions at issue were schoolmen's debates on abstruse theological dogmas. It would be much nearer the truth to say that it was a great revolutionary epoch which had

been long preparing and approaching. It was almost like the ending of one dispensation and the beginning of another: it was a setting of the middle age and the rising of the modern. Theology was one of those things which partook of its influence; social and political life were deeply affected by it. Mind and intellect were astir as they had not for ages been before. Leading men of the times looked out on a scene of intense party excitement, where they saw old instincts of order and subjection weakening, a spirit of greed and covetousness stalking along with aims of portentous magnitude, while the movements among nations were like the voice of many waters. The mark of that period was a moral chaos that makes the modern student think most of the French Revolution, and governments stood aghast at the perils which menaced them in all directions.

Were kings and parliaments to feel no interest in the settlement of great and pressing popular questions (religion being intimately and inextricably blended with them) and in directing the wild overflow which they saw on all sides into safe channels? It astonishes one to think how little some of our anti-church polemics appreciate the condition of the sixteenth century! It must seem to them as easy to bind up a great national disarrangement as to steer a modern “denomination,” which may proceed down the stream and arrange all its economy in its own way without the outside world, to say nothing of Parliament and the Crown, being aware of its presence. Let the reader consult those contemporary letters already referred to, and try to realise how the religious disorganization was affecting the very heart and sinews of the commonwealth. Let him thoroughly understand, and let these present times help him to understand, that when mankind is agitated on a great scale, the state of their religion is the key of the situation and the one anxiety of the guides of men; let him recollect that the religious differences on the continent had been accompanied by the peasants’ insurrection, by leagues and counter leagues among the princes, by a great rent in the body of the Germanic Empire which paralysed every Diet and thwarted the Imperial projects of Charles the Fifth against the standing oriental foe

of Christendom. Let him think what such observations as the following (and there are many such in contemporary letters) mean:—“ We are in hopes that at the end of the Parliament which is now sitting some enactments will come out which will in no small degree promote the reformation of the Church. May the Lord give us quiet times; for whatever tumult, or disturbance, or sedition breaks forth in this country, is altogether, both by the enemy and the people at large, imputed to the reviving Gospel.” So wrote Peter Martyr, then sojourning in England. How anxiously he was watching the struggles of the “ reviving Gospel”—in which he bore so prominent a part; how intensely he observed the troubled state of society; how eagerly—and the whole character of the man warrants our adding how piously and religiously—he was expecting the co-operation of that much maligned thing, the Parliament, in promoting Gospel missions in every parish of this land!

#### SECT. L.—INTERMINGLING OF THE CIVIL AND THE SPIRITUAL.

In considering the circumstances of Parliamentary action on spiritual affairs in the Reformation epoch, we are not to forget how intimately civil and religious questions were intermingled in those days. The life of Charles the Fifth witnesses this abundantly. Religious differences confronted him at every turn, and all the arts of his policy were employed in stopping what he considered the plague that baffled his vast designs. In German Diets religious matters came to the very front and were beyond all things pressing. It is simple ignorance or folly to say this ought not to have been so. It *was* so, and no power on earth could alter it. The imperial system of Germany largely fostered this intermingling of the secular and spiritual. Many of its great ecclesiastics, as particularly the clerical Electors, were temporal princes, which made civil and spiritual actions run together. And most especially should we bear in mind that the papacy itself was semi-secular, semi-spiritual, which brought secular and spiritual questions into the most intimate conjunction in the largest arenas of diplomacy

and legislation. Ecclesiastical power too had so encroached on civil, that the exercise of civil power in Church matters had become absolutely necessary to keep crowns independent, and mitres—and especially the tiara—in their places. Politicians and ministers of State were therefore as familiar with the language and phrases of theology as with those of diplomacy: they believed themselves as well versed in divinity—Henry the Eighth notably so—and probably a great many of them *were* as well acquainted with the divinity of the day, as the generality of professional Churchmen. It was indeed absolutely necessary that they should be so. It may be very well to say that the questions of religion ought to be settled by “the Church,” and not by “the State.” But we have to consider special times and circumstances. Suppose a period of great popular ignorance—a period, too, when ecclesiastics are turbulent, worldly, and incapable. Is not the sovereign likewise, and are not the legislators, members of the Church? (51) At such times the majority—even of “the Church” are conducting the commonwealth to ruin, and its sole salvation, under the overruling providence of God, lies in a few chosen spirits, who see what the crisis demands, and counsel accordingly those who wield supreme authority. Does not the common weal depend on the efficacy and the purity of religion? Who then have more interest in this than the heads and guides of the commonwealth? A most happy circumstance therefore we must consider it, that at such periods (we will not say at all periods) the civil power should be employed on the side of a few noble reforming geniuses that were creating an era of blessing for their country. A rigorous caution—a too rigorous caution we think—objects to this, as introducing a dangerous principle; it would condemn therefore absolutely any legislative proceeding in establishing religious reform, whatever might be the disorder of the times, and how unexceptionable soever in itself might be the reform established. We are not indifferent to the peril of creating precedents which, though good in themselves, may be turned to evil account; but at the same time we cannot forget that the course of human government is, from the imperfection of all human things, uneven, often annoying to the

logical mind, and full of compromises with rigorous principle. Knots that will not untie must be cut. There is no help for this in any wit of statesmen; but their highest wisdom is seen in their being able to avoid such solutions of the crisis as much as possible. To judge whether we may be grateful or otherwise for the Reformation Parliaments of England, we will take a glance once more at the unsettled age we have now in view. Everywhere at home and abroad there meet our eye sovereigns and statesmen who, in order to secure the unity of their people and the strength of their states, were under the common temptation of coercing and persecuting the minority; and while so many artful politicians were bending their whole powers to root out the Reformation, was it not the choice blessing of England that, with some persecuting sovereigns, she had such as Edward and Elizabeth and their advisers to establish by legislative measures the spiritual worship and scriptural truths of the Protestant revival? Ought we not to thank God incessantly, from generation to generation, for having thus made this nation a light-bearer for the whole world? When in these present days we querulously impugn the right of "the State" to have meddled in those great times with "the Church," do we really *know* the mighty political forces that were gathered from all parts of papal Europe against England in the Elizabethan age, solely because she was the bulwark and solitary citadel of Reformation truth? Is the civil authority in a Christian land so necessarily an alien, excommunicate thing, and so absolutely out of pale, that it might not—even in such days as those, and simply because it was "civil"—seek to root in the land what the consciences of those who then ruled it allowed, and the labours of some of the most earnest and godly men of their day represented to them as truths drawn from God's Word? Are the great representatives of God's government in this world—the sovereign and the legislature—are they to be tabooed at a great crisis, and treated as having no part nor lot in its settlement, and assumed to have no interest whatever in it, and to be incapable of knowing anything about it, simply because grand religious questions lay at the root of the crisis, and they are not *pastors*

of congregations, forsooth ! nor the bulk of them men in holy orders ?

We maintain, then, that not only was there no call for the Church of England of the Reformation epoch to cast off all the ancient endowments which she had inherited for centuries, but also that the legislature was in its proper place and doing its proper work when giving all the force of law to the Reform which its ablest theologians and ministers were devising ; in other words, when continuing the Church of England as the Church established by law in this land.

#### LI.—CONTEMPORARY CHRISTIAN MEN APPROVED.

This position is fortified by another argument. The great authors themselves of the Reformation, and all the pious men who aided in establishing it, had no doubt in their minds, no scruple whatever, as to the lawfulness of this co-operation of Parliament with the Church. Some had their scruples in regard to the right of the *sovereign* to exercise authority and control in Church matters, or in other words to enjoy the “ecclesiastical supremacy” which Queen Elizabeth did—a matter on which opinions differed considerably in those days. That was one thing. But none of those men had misgivings as to the obligations they were under to Parliament for co-operating in the legal enactment of reformed doctrine and worship, and in the rejection of all papal encroachment. In other words, those men were heart and soul for the fundamental principle of a “Church established by law,” although many of them differed in opinion as to what amount of Crown control the law should permit. Are we then to allow nothing to the judgment of the Christian men engaged with the great problems which it was given to *them* to work out in their generation, and not to us ? Of course no one will claim infallibility for them, and it might or it might not turn out that in settling the questions which surrounded them they lost their way in a mist and brought the Church into a slough. It is a fair question, and no one is exempt from just criticism. But in reviewing their work we dare not lose sight of this, that they

were men of prayer, men versed in the Bible, men familiar with all kinds of theological questions, men not working out pet theories in a narrow corner, but intimately acquainted with eminent and practical workers in a similar cause in distant places, and in constant correspondence with them, discussing matters and exchanging sentiments with all the brethren of the Reformation everywhere, including Bullinger, Peter Martyr, Calvin, and a host of lesser names, men equal to any in our days or in days following their own, men of practice and not men of theory. In fact they may fairly be called the most competent men of their age for the task they had in hand, deserving to be called men of weight and authority, to whose opinions we are bound respectfully (though not absolutely) to defer, while they were engaged in dealing with times with which they were infinitely more conversant than we can possibly pretend to be; and these men were all agreed as to the great principles on which the English Church of that period was being maintained in regard to its connection with the State. The Puritan theologians were no exception to this. Contending as they were, ably and bitterly, on matters of ecclesiastical government and discipline, they were entirely at one with their episcopal rivals in regard to the province of Parliament, in regard to everything in fact which made the Church and continued it—what we are now discussing—an Established Church. They would very gladly, had it been possible, have induced Parliament to make their own the Established Church of England.

We affirm then that there was no just reason at the Reformation period for the Church of England to desert her ancient stand-point in relation to the principle of endowments and legislative sanction, and take the place as disestablished and disendowed, which the modern “liberationist” demands for her.

## LII.—THE PRINCIPLE OF ESTABLISHMENT STILL SOUND.

We come then to inquire whether the principle of an Established Church, granted to have been hitherto sound and

defensible both in its origin and in its history, has now at length in our day ceased to be so. Let us observe that the question is not whether the existing Established Church has justly forfeited her position through corruption, abuses, incompetence, and dereliction of duty. This also is a fair question, but it is one for a future page, and not for the present moment. We here only inquire whether, independently of all abuses and assuming all possible perfectibility of administration, the principle itself of an Established Church is as defensible as ever. There are current no few objections to an Established Church conceived under a misapprehension of that term ; these simply miss the point which we have now under consideration, being aimed at one thing but really applying to something else, and they will more naturally come before us by-and-by in other connexions. At present we limit ourselves to the Established Church in its exact meaning (if we may express it without presumption) as expounded in these pages—a Church established and maintained by law in its original endowments.

It is alleged that the numerical proportion between Churchmen and Nonconformists is now so even, and that Churchmen form so small a portion of the entire nation, that they have no longer any title, whatever they may once have had, to monopolise the endowments that were intended for the whole country. Now such an allegation as this might fairly be made in an argument for dividing the endowments, and we shall have more to say on this hereafter ; but it surely can be no good reason for taking them utterly away. Then again there is a radical defect in this argument. It assumes that the endowments were intended for those alone who are in the habit of attending Christian ordinances, for it is only in this sense that Churchmen and Nonconformists are in anything like an even proportion. But surely we should not view our parochial endowments in so exclusive a light as that ? These were for the entire population, if it would but use them. They were bestowed that the minister of the parish might be a missionary and an evangelist among all people, who should ever have a right to his services and to religious ordinances without dis-

tinction and without charge—a very different thing surely, a much nobler idea! The intention of our benefactors was to Christianise the unchristian, to allure unwilling souls and deliver them from Satan's bondage, to point the worldly, the dissipated, the tempted, the unstable, to purer joys and holier hopes; instead of which godlike and heavenly conception our objector is thinking merely of the good, the respectable, the religious, that they alone may enjoy the luxury of the religion which they love, while that erring population among whom the Church of England pastor often consumes his best energies, spending himself by day and night, are simply ignored in the calculation, because Satan's empire proves after all too strong for the pastor's holiest efforts, and he fails to win them within the walls of his church in numbers commensurate with his zeal. The objection we must attribute to theorising in a too eager argument, for the objectors we have in view often show themselves in practice anything but inconsiderate for the real needs of the classes here described.

We trust that we have sufficiently shown that the principle of an Established Church, taking this term in its true and proper sense, was justifiable on its first adoption in the earliest times of our Christian history, and that it has never ceased to be so down to this present day.

#### SECT. LIII.—ROYAL ECCLESIASTICAL SUPREMACY VINDICATED IN PRINCIPLE.

But the subject of this chapter requires that we should likewise maintain the soundness of the principle of the royal supremacy, to which therefore we now request our reader's attention.

Of course we shall only concern ourselves with that branch of the royal supremacy which we have distinguished by the epithet ecclesiastical. The royal *sovereign* supremacy is beyond and above argument in this Essay; for that does not specially concern the Church of England, nor the connection of Church and State. All bow to it whenever it chooses to assert itself, and are perforce governed by it. It has long arms, which

neither Churchmen nor Nonconformists can escape, and we are not therefore called upon to vindicate it on behalf of the Church of England in particular.

But with the Royal Ecclesiastical Supremacy, or the royal prerogative in spiritual matters, it is otherwise. This belongs especially to established Churches, and those who are members of them are bound to defend it. On what ground shall we defend it? We are here concerned only with the *principle* of it; for the mode in which that principle is carried into action varies in different Churches, and has varied in the same, and may sometimes be highly objectionable in the eyes of even those who cordially accept the principle. The principle is that the civil magistrate is permitted to exercise a special authority and prerogative in Church government and direction. This principle is observed in one manner within the Established Church of Scotland, where the Assembly is presided over by a lay representative of the Crown; in another manner within the Established Church of England, where the sovereign enjoys other prerogatives, but not this one. Like the royal prerogative in civil matters, it has varied at different periods of history, and like that it has been gradually fixed by mutual understanding in the condition in which we now find it. But the *principle* is the same in all times and circumstances, and it is with this only that we are now concerned.

This principle we affirm to be Scriptural, and to have had in the times of the Old Testament a Divine sanction, on which ground it is chiefly that we justify it. Moses, David, Solomon, Hezekiah, Josiah, are examples of its having been in accordance with the will of God that sovereigns and civil rulers should have certain prerogatives in the spiritual affairs of their people. That is all we contend for; but that is quite sufficient. Our sovereign, we will allow for argument's sake, might or might not lead the public devotions of the people on a great national occasion and pronounce a benediction on them, as Solomon did; he might or might not make regulations for the discharge of ecclesiastical service, organise the priesthood, or direct the choral worship, as David did. These are questions of circumstance, of times, of expediency, and may be regulated by each

Church and generation for itself. The old dispensation differed from the new in many particulars, and customs which prevailed in the old need not be copied in the new. But that God should have allowed and sanctioned among His people of old a civil authority in ecclesiastical matters which in its very principle must be considered radically corrupt, vicious, impious, when applied to a Christian Church, is a position we dare not acquiesce in. The principle of a “connection of Church and State”—a general phrase which may be understood to mean that the civil authority is permitted to have in a certain degree a voice in Church matters—is assuredly one not unwarranted by Holy Scripture; and this is all we need here maintain. We might say something as to the wisdom and expediency of it when exercised within certain bounds; but this line of thought belongs to another part of our subject, and need not detain us here.

## CHAPTER V.

## ADVANTAGES OF AN ESTABLISHED CHURCH.

## SECT. LIV.—IT SECURES STABILITY OF DOCTRINE.

PERHAPS among the very foremost of the blessings we owe to an Established Church is to be mentioned the stability of the great standards of Truth which it is calculated to secure. A publicly recognised code of doctrine, not to be interfered with except on national authority, is one least likely of any to alter with the ever-changeful fashion of the times. It may be replied, of course, that there may be thus entailed fixity of error as well as fixity of truth. In our Established Church, in the thousand years and more of its history, we have experienced both of these, which however is only saying that no human arrangement is one of unmixed good. But at the same time it is important to observe that the Church of England was established in one set of circumstances before the Reformation, when error prevailed; and in another set of circumstances since the Reformation, when truth has prevailed; and a little reflection will convince us that the ante-Reformation circumstances were those the least calculated to give fixity to error, while the post-Reformation circumstances were those the most calculated to give fixity to truth. For in the earlier period a clergyman accused of heresy, as Wyclif was, had to face his spiritual superiors and be tried by “the teaching of the Church,” a very wide term, and really amounting to *their* interpretation of Scripture, councils, papal decrees, and the views of certain doctors of recognised or canonised reputation (55). The sentences thus pronounced were what we should term judge-made law, and really amounted to the doctrines in vogue at the time. While therefore there was a considerable stability of doctrine,

owing to the fact that written materials and traditionalary decisions were appealed to ; yet the fact that those writings embraced more or less all ecclesiastical literature, out of which very opposite conclusions might be drawn according to the bias of the judges, rendered the doctrines less fixed and unalterable, or in other words, as Protestants may be allowed to put it, rendered error less stereotyped and truth more possible.

Now the Reformation in England performed this most important service : it conferred upon us documentary standards sufficiently precise and concise (at all events, if compared with “the teaching of the Church” in previous times) to be adduced in a court of law, resting upon the sanction of the national legislature and never to be meddled with except by its approval. Of course Acts of Parliament may alter as well as other things ; yet as a matter of fact they do not alter (on the subjects now before us) except when there is a very wide agreement, a strongly expressed wish, and cogent general reasons affecting the body as a whole. In other words, those scriptural standards of truth which the Reformation conferred upon us, being now planted in all our churches by statutable authority, are much more firmly fixed among us than error was fixed among us before the Reformation ; and we may add, much more firmly rooted than truth has been in Churches not established by law, as we think the following facts will show.

We have had some memorable and deeply interesting historical illustrations of the check which our legal establishment has made to pernicious innovation. Thus, the disendowed and disestablished Presbyterian Church in England (as we may fairly call the English Presbyterians of the Restoration period) had a standard of doctrine, but resting on no foundation of continued legal authority. Its future history was this, that in the middle generation of the eighteenth century its old orthodoxy disappeared and its congregations almost universally lapsed into Arianism. What makes this example the more striking is the circumstance that at the same period of the eighteenth century the members of the Church of England were to a very considerable extent infected with similar

opinions. But then her standards of doctrine remained unaltered; and though this alone would not have saved the Church, it was very different when, in the providence of God, a generation of earnest and good men arose, a feeble minority indeed in point of numbers, but mightily backed up by these authoritative standards; which, thus reinforced and reinforcing, it is not too much to say were largely instrumental in bringing back the Church and the whole Christianity of England to the measure of orthodoxy we now enjoy. The history of the Nonjurors furnishes another illustration; for very soon after their secession from the mother Church, which took place on grounds not involving dogmatic theology at all, they commenced an alteration of the Book of Common Prayer to suit and embody the doctrinal tastes which had characterised them as a school of opinion from the first, and which rapidly grew to extremes. It would appear too that one of the unestablished churches of Scotland is to be adduced as another instance of what we are maintaining, if we may judge from acknowledgments within its own body. At an important meeting of its members at Glasgow, in 1871, one of the speakers is reported to have used these striking words: "In the Free Church there is no protection, on the basis of fixed principle, from unexpected decisions. It has led me reluctantly to the conclusion that in every disestablished Church men will be always exposed to the fitful interpretations of mere majorities." And again: "The impossibility of enjoying really fixed and permanent principles in a Free Church is forcing itself on us as a most unwelcome truth."\*

On such delicate ground as that of doctrinal orthodoxy we prefer to hear Nonconformists themselves speaking; but we may be excused in expressing our strong convictions that the unestablished communions around owe very much indeed to the presence among them of a Church so deeply founded in the national institutions, familiarising men's minds with the diction of her noble formularies, and her learned ministry taking the decided lead of all Churches in the literature and thought of the day (56). Absorbed in the spirit of near and pressing

\* "Record," March 17, 1871.

questions, men will spend themselves in charging upon the Church of England, say, deviations from true Scriptural lines as regards the Sacraments. They are right in urging their views if they feel their force, as we are right in strenuous vindication. But do they allow themselves sufficient leisure to reflect that these questions, even these, though important, are by no means everything? Do they ponder on the momentous blessing which any country must enjoy in having planted in its soil such supreme truths as those of the Ever-Blessed Trinity, the Deity of the Lord Jesus Christ, and the efficacy of His Atonement, with the whole strength of a powerful Established Church pledged—we thank God without any imputation to the contrary—to maintain them as her very life-blood? It is such sovereign truth as this that we, at all events, have chiefly in view, leaving many matters to continue in controversy, when speaking of the great advantage which the Established Church secures in regard to stability of doctrine.

#### SECT. LV.—IT PROMOTES MUTUAL TOLERATION.

Only second to the blessing of stability in doctrine is that of freedom and toleration, which the members of the Established Church enjoy within its pale. Here again the modern circumstances of our establishment are superior to those of the ancient. For instance, in these days only office-bearers or public members of the Church can be called to account for any opinions they may openly maintain; private members cannot be interfered with. Moreover, no cleric can be judged by the production against him of miscellaneous authorities; there can be quoted against him only definite statements to be found in documents which he knows and which he examined before he took office. Furthermore, no opinion which he may broach can ever be brought into court which is ignored in the documentary standards; so that on those points he is at absolute liberty.

When controversies within the limits of legal decision can be settled authoritatively, men will be satisfied with bringing them to this test, and will be less inclined to silence each other

by abuse and provoke one another by recriminations. At all events there is less excuse for it. We believe that this consideration is strangely lost sight of when men allow themselves to be irritated by the insistence of judicial sentences. The possibility of such a settlement by impartial judges bound to give the accused the benefit of doubt, bound to interpret language fairly, ought to be hailed among us as a wholesome element in our constitution, instead of being resented as persecution. When an honest man is wrongly charged with a breach of morality, nothing is so satisfactory to him as a judicial investigation ; and so it should be in our controversial warfare. A man of thorough *bona fides* should be pleased to have his points tested in a court where no asperities are allowed to weigh ; while the man or the coterie of *mala fides*, bent on committing their Church to views which are not hers, and even trying to drag her over her borders, ought to find their enterprises challenged in legal forms.

#### SECT. LVI.—IT ENCOURAGES VARIETY OF MINDS.

An Established Church, according to our own model of it, secures great variety within the ranks of its ministry. The patronage of its benefices is very multiform. The ~~bishop~~ of a diocese has the appointment to a considerable number ; the cathedral chapter sometimes to as many ; the Crown, the Lord Chancellor, the universities, and other corporate and public and scholastic bodies, have their patronage in various proportions. Then there are trusts originating among religious men anxious to secure efficient ministers animated by strong convictions in special schools of opinion. But if all these were put together they would not much more than equal the private patronage in the hands of laymen ; and the latter too are of several sorts—the territorial peer and squire, discharging their duty under a public observation so close and extensive as naturally to make them feel no little sense of responsibility ; private gentlemen interested in their own particular parishes ; other individuals who have possessed themselves of patronage with special views of securing suitable and

congenial work for their relatives or themselves. Incumbents are accordingly of every possible variety of type. This indeed may be at the expense of unity ; and to a considerable extent we think it is. A group of clerics in the same locality do not always heartily and readily coalesce or combine for Church objects or social efforts ; and even near neighbours are not seldom almost personally unknown to each other. All sorts of opinions, religious and political, find ready entrance ; for the patrons being chiefly laymen are absolutely independent of each other. There can be no doubt that this variety greatly prevents internal cohesion, and makes an *esprit de corps* very difficult to foster ; while the varieties of opinion create a sense of mutual antagonism not unfrequently amounting to irritation and heartburning. This is undoubtedly a drawback and a source of weakness ; yet something by way of compensation is to be said on the other side, as we now proceed to argue.

#### SECT. LVII.—IT PRESERVES THE SUBORDINATION OF THE SPIRITUAL TO THE TEMPORAL.

For instance, there is, on our system, no danger of a gigantic political combination under the leadership of powerful Churchmen. This is a most important consideration when we consider that the episcopal form of Church government, giving large dioceses to men of great ability, might in the course of nature be expected to produce most serious difficulties for civil rulers. We may remember what some of the higher ecclesiastics in the Church of the Roman Empire became. They were great popular potentates, with immense and enthusiastic followings, able to create no slight difficulties for the Imperial government at Constantinople, Alexandria, and Milan. The lives of Chrysostom, Athanasius, Ambrose, enable us thoroughly to comprehend how this could be. The state of Ireland and Germany at this present day reveals the same important experience. Ecclesiastical chiefs there wield a power which make it necessary for the ministers of the Crown to take them into account in all their most anxious measures. The clergy are at the absolute disposal of the bishops, who can remove

them, deprive them, degrade them, fling them out of the Church, almost without giving a reason. We might perhaps suppose that this is simply a matter for their consideration who suffer from such despotism. But it is by no means so. The existence of such discipline and drill so widely ramified throughout the land is a matter of national concernment, for it inevitably makes itself felt in the course of politics. There results a vast secret society, which the Administration of the day is not allowed to touch with one of its fingers, and which at critical junctures may be able to paralyse an imperial policy. Most true it is, as a modern writer has ably shown, that it is not established Churches, but unestablished Churches, which in these days feed the Papacy (57). The former indeed, by their pre-eminence over other bodies, may be tempted to lord it somewhat and indulge in trappings and state; but he must be a shallow observer who sees in assumptions of this character anything to be compared with that league and network of machination which is the actual and dangerous system of the papal communion.

Nor must we stop here by any means. Protestant unestablished denominations have the same elements at work, only not under a foreign head. In some of these bodies, precisely as in the Roman, pastors are removable by a ~~central~~ authority, which therefore holds all their prospects at its absolute disposal. Combination and drill are found accordingly in these quarters in a state of as much perfection as in the Roman Catholic Church; and in our grand political contests there is soon discovered a united phalanx moving in one direction, shoulder to shoulder, under some invisible guidance. The rank and file of the pastorate have no choice; others, who hold their temporal destinies in their hands, must think for them; and the pastors must carry their people with them by all the spiritual arts they are masters of; for compactness, cohesion, and *esprit de corps* are the very essence of their existence as a body. The difference between the Nonconformist drill and the Roman Catholic drill is that the former are not under a foreign chief, but under home committees; and the politics therefore of the body are not indeed in danger of being against

the nation, but they are nearly sure of being for or against a party in the nation. In the one case, a France might be hurled against a Germany and be ruined ; in the other, a premier may be borne into office or driven from it. In both instances ministers of religion become at certain times election agents, and in agitated times we hear of the "priest-ridden" among sects of Protestants as well as among Romanists. A truly remarkable phrase has recently become current. "The Nonconformist Revolt," or the general secession of the Nonconformist body from one of the political parties of the day ; while the "Nonconformist wing" of that party is also a familiar expression. A revolt implies prior allegiance and prior bonds. What can such phraseology possibly mean, if it does not declare that a body organised for spiritual purposes—claiming to be a very Church of Christ—is accustomed to lend itself to be manœuvred by political leaders for the strategy and tactics of those party warfares we know so well, sharing in all the arts by which Administrations rise and fall ? (58) We hear much of "Alliance of Church and State," and sometimes what is not altogether complimentary to it ; but what have we here ? Surely an alliance no less, the members of it being however the Nonconforming Church and a party in the State ; —an alliance, and a broken alliance too. Far be it from us to assume that Nonconformists in general have committed themselves to such a situation as this ; we would not speak so offensively, for we know that in numberless instances it is very much otherwise, whatever those may say who claim to speak in their names. But it can hardly be denied that there is some foundation for it, and we must be allowed to urge it as one of the disadvantages our brethren of the non-established communions are exposed to. They are private bodies, and can act as bodies under private influences and secret manipulation.

How much otherwise it is within the compass of the Church of England, we would now point out in a few words. Granted that there is to be found in its ranks such bristling varieties as to show at great crises, when her special interests are at stake, a most vexatious want of cohesion. Yet at all events it will not be said of them *ex uno discere omnes* ; the clergy cannot be

pointed at as men of one type and pattern, dependent on their ecclesiastical superiors for their bread and reputation, and taking their cue from them accordingly. A more independent set of men in politics nowhere exists in the world. They generally are found gravitating, it is very true, in one special direction in any constitutional controversy that arises to shake the land; but that is simply through the instinct of their professional existence, which leads them to identify the safety of the great institution they love so well with the predominance of certain principles. And yet this gravitation is by no means universal. Clergymen equally loyal to their Church are found on the Liberal as well as on the Conservative side of politics; and even in matters profoundly affecting the Church, some will see her ultimate safety and her present usefulness in measures of a free and liberal tendency, while others not more conscientiously are advocating a line of conservative resistance. And as with the clergy, so with churchmen in general. The same variety is found within their ranks. There is nothing like an *imperium in imperio*; nothing to make a cabal possible; something in fact so much the other way as to expose us occasionally to most imminent danger from the assaults of our better drilled rivals. It is a public and national institution; it cannot be drilled. As there is nowhere in ~~the~~ world a more independent body of clergy than those of the Church of England, so there is nowhere in the world a less priest-ridden people. To say however that the influence of the clergy in the nation is but trifling would be most incorrect; sometimes they are passionately abused for having so much: but their weight in the current contests of society is purely that of influence and not of drill; in fact of influence *because* not that of drill. How thoroughly this state of things becomes a *National Church*! How intolerable would Christianity be to multitudes who now respect it and venerate it, if the most powerful of its Churches in this country were a confederacy guided with unerring precision by a committee of powerful and popular bishops or an archiepiscopal “tribune of the people!”

## SECT. LVIII.—IT DEALS BEST WITH NOVELTIES IN THOUGHT.

Another compensation for that internal variety which is found sometimes not a little trying to the friends of our Established Church is the scope it affords for dealing wholesomely with various schools of thought. We must never lose sight of the fact that new modes of thought, both in religion and philosophy, rise and fall while generations go and come, as inevitably as do those fashions which change the external face of society. They will come up, whether we like it or not ; and they have to be dealt with. Sometimes the novelty will come in the form of a long lost truth ; sometimes as an extravagant eccentricity ; sometimes as a poor pedantry ; sometimes as a pernicious delusion ; each of them backed by a band of devotees so enthusiastic and determined as fairly to bewilder the common people and to perplex the heads of all churches. Now the varied tone pervading our ministry and flocks secures two things with tolerable certainty. First, that the novelty gets a fair hearing, a fact which we find from experience too well, and often too vexatiously, to require our further urging it here. Many will acknowledge the blessing of this, as well as the inconvenience. Some will thank God for the rise of Cambridge Platonism, some for the Evangelical revival, some for the Oxford Tract movement, some for the birth of Ritualism. All have had or are having their hearing. Constituted as we are, the advocates of these movements could not have been excluded. With our immense variety of patronage, some door would be sure to open into the folds of the Church ; and if Bishops had been as decided and united as they have been the reverse, the innovations would nevertheless have been certainly planted within the Church, there to be dealt with and be tested. The freehold nature of the benefices too, from which summary dislodgments are impossible, have given time for various schools of opinion to make themselves at least understood ; and if there thus have sometimes been stubborn batteries of error there have been also successful fortresses of truth. Whenever any such movement has sprung up, it is the Church that is supposed to have given birth to it,

and greatly is she castigated in consequence by many persons who are wholly inexperienced in the strange epidemics of human thought. They mistake. The thoughts will come for a certainty, whether as a gracious light or as a vexing storm; and a city set on a hill, which the National Church is, will in its varied and broken surface receive the first visitation. But then there is a second thing secured to us with tolerable certainty, although perhaps it requires more patience to admit this. When a novelty has diffused itself within the Church, and obtained its hearing, and undergone its sifting, and been viewed on all its sides by men of all sorts of sympathies and antipathies; whatever belongs to it that is in essential dis-harmony with the spirit of the Church will in due time dis-appear. With all the fervour and attractiveness which talent and enthusiasm can throw around a new aspirant, let time be given, a generation perhaps is the usual time, and it is under-stood and appreciated: the good is kept, the bad is cast away. A strange thing—a real stranger without affinities—cannot for long face the composite congregations of the parish church; it must betake itself to chapels and districts and special congrega-tions: the challenges it meets with when it faces *the people* weary it at length with their persistency, and it takes refuge with the coterie. The end is that a ~~dis~~integration ensues; the Antinomianism, the Romanism, the Rationalism, is more or less thrust off, and what is healthy and sound is absorbed like food into the system. Nothing but an Established Church (and in all we write we speak of one in which it can be truly said that “God is in the midst of her”) could do this. If an unestablished Church, whose members are all of a sort, once harbours a dangerous and specious novelty, it is much more exposed to the disaster of being poisoned all through or scattered outright. Such was the fate of the English Presbyterians and the Nonjurors; such may be the fate of others that still “think they stand” and are never weary of preaching that the one great foe of a pure Christianity is the establishment of a Church. No; an Established Church, with such pure and scriptural standards as ours are, will most likely be found, after all, to have the fewest faults and the most numerous elements

of strength and blessing, of any of her rivals. A “wise moderation,” which has been her standing boast, will, if it please God to bless her yet, secure, in another sense besides that mentioned in a former section, a stability of truth.

#### SECT. LIX.—IT MAINTAINS THE SAFEST GUARANTEE OF TRUTH.

Our present Established Church guarantees the public teaching of a true and scriptural religion throughout the country to a greater extent than would be practicable under any other system. Though we are cautious enough to qualify this sentence as we have done, we may still be thought to have said too bold a thing by many who remember how frequently complaints are made of worldly-minded and indifferent clergymen. But we are firmly convinced nevertheless of the correctness of what we assert. For we have always this fact to deal with, a fact far too little kept in view, that there ever has been, and as far as we have any right to anticipate, ever will be, a deficiency in the number of duly qualified and efficient persons (laying all possible stress on these words) to discharge the office of the Christian pastorate. Considering that England and Wales require some twenty or thirty thousand ministers of religion, we ask where they are to come from. Can the Church of England and all the Christian bodies in the land put together supply them—of course we mean on the ordinary principle of supply and demand? We do not ask whether these bodies contain within them that number of men competent to form an efficient ministry. Of course they do. But the question is, whether the men are forthcoming and procurable. Assuming that a parish priest ought to be one in the highest sense satisfactory and unexceptionable, that is to say, pious, orthodox, well educated, a gentleman, of sound judgment and good sense, we ask whether all the Christianity of England can produce that large number of them—produce them for this particular mission. Even giving a wide limit to the term orthodox, and considerable latitude to private opinion concerning Church government and Church discipline, but only exacting that there shall be sufficient agreement and harmony to

enable men to work in one body, we ask. Are thirty thousand such men *forthcoming* from the united Christianity of England, according to any existing denominational type, fit to officer all the parishes of the land ? He would be a bold man who was to affirm that they would. Perhaps if it were possible at any period, it would be so at this present one. But what could we say of some other periods of our history ? Yet when the tide of religion is at its lowest, and not one minister in ten has his heart in his work, and has no experimental knowledge of the truth, perhaps the majority with a decided bias to heterodoxy, the parish churches of the land have still resounded with chapters of the Bible and with prayers couched in all the language of the Bible. We can appreciate the inestimable value of this fact only by being able to realise the alternative fact of a godless race of ministers and people being left to conduct their own forms of worship according to the current views and current spiritual life of each generation. It would be no answer to say that the principle of an Established Church is the cause of national impiety, by placing careless ministers in office. It argues but little penetration to talk like this. Ministers of any one generation are the children of their times, and can be expected *as a body* to be only slightly better ~~than~~ their generation. A few of them will be in all probability saintly men, raising their brother ministers and the people at large to a higher level. But our present argument is only with the great body, some thirty thousand of them, and we say that in times of lax morality and loose religion, often induced by great public changes and political revolutions, it is the cause of the deepest thankfulness that a form of Divine worship such as we now by God's mercy possess is established and guaranteed by the law of the land.

#### SECT. LX.—IT SECURES PUBLIC RESPECT FOR RELIGION IN GENERAL.

Our Established Church, once more, confers upon the profession of religion in the eyes of the great body of the people a respectability that may have indeed only a partial value, but one that is too important to be overlooked. 'Traditions of

historic renown, the great inheritance of learning and piety, the artistic beauty of her churches, the grandeur of her cathedrals, have all conspired to throw a degree of lustre around the Christian religion in this country, which has by no means been without effect in drawing the great body of the clergy from the gentler ranks of society. Owing likewise to the unique habits of English county life from time immemorial, a free-hold has always carried with it some trifling dignity, and the parson, with such a tenure of his modest estate, cannot help participating in that social weight. Looking back too, as in most instances he may, upon Oxford and Cambridge, and upon those great schools of his earlier life presided over by the most distinguished men of the day, the beneficed clergyman and the curate alike find their old associates of gentle birth in every part of their county and mix freely with them all. In the very highest social classes they may move on even terms. This indeed exposes them to the danger of secularity. But if the pastorate suffers some loss of spiritual power in this way, we may yet fairly take the good with the evil in the balance; and the good is that the upper ranks of society are themselves unconsciously benefited by the contact. It is at all events an immense advantage for some of them that they can associate the calling of a Christian minister with feelings of social equality. We do not mean to affirm that the mere fact of a Church being established gives this status to its teachers; we take into consideration all the other circumstances surrounding such a communion as the Church of England in particular, not omitting that of the gradation of its dignities reaching up to the nobility, and even beyond the nobility to a near proximity with the throne itself. If the circumstance of this social position is unhappily galling to some persons, they might at any rate reflect that all denominations do in fact rise in consideration from the presence of one among them that commands the general homage from its position in the nation. Just as every humble curate, however poor he may be, derives an additional respect for his calling from his belonging to a body which has members ranking with the highest in the land; so does every Christian sect in the country, however obscure, obtain a degree

of consideration borrowed from the circumstance that Christian worship is celebrated with all the dignity which that of the National Church exhibits. In the popular sentiment every pious humble itinerant met with in country roads on Saturday evenings and Monday mornings holds some rank in the ministry that culminates at Lambeth, and every Bethel shares in the respect that rises upwards through the hierarchy of temples. If there were no St. Paul's, no provincial cathedrals, no ministers of religion moving socially with nobles, religious respect towards preachers and their walls would certainly not be greater and might be less. Constituted as men are, and drifting as these times are, this would be an evil which those certainly should not court who would be the first to feel (59).

#### SECT. LXI.—IT FURNISHES A BASIS OF FURTHER EFFORTS.

Our Established Church has created a noble basis of further efforts in propagating the blessings of Christianity. It has done so in two ways. In the first place, congregations having been relieved from the support of their own ministers are in a position to assist in the erection of new churches, in maintaining charities of every kind, and sending out the Gospel to all parts of the world. Had they ~~to~~ pay their own pastor's income, they could not possibly contribute to all these independent efforts to the extent that they now do. Then, in the second place, the respectability of position which an English parish church and benefice confers upon its holder attracts in considerable numbers gentlemen of independent means, who are quite ready to occupy the poorer livings and devote themselves to the pastoral work—not among the *elite* of society only, but quite as much among the poorest classes. We often hear the Established Church reproached because of her ministry being sought by men whose lives show that their motives must have been the enjoyment of emoluments without much conscientious thought of duty. Doubtless she is not free from such selfish persons, any more than the army and the House of Commons are without their similar members, who consider the advantages of social position and professional

prospects infinitely more than the service of their country. But let candid critics fairly own the numerous instances of devoted men, animated by the truest piety, bringing their own pay with them, and withal working as cordially and conscientiously as any of their brethren, putting far more of worldly maintenance into the Church than they get out of it. Most truly has an eminent contemporary statesman described Church property as “the fructuating patrimony of the people.”

#### SECT. LXII.—IT FOSTERS THE PAROCHIAL SYSTEM.

We must not forget, what has often been descanted on, the way in which an Established Church enables a parochial system to be carried out. It places a clergyman in charge of a definite tract of country and portion of the population, enabling him with or without his own private means to stand his ground there. How interesting is the thought that all England is thus parcelled out for Christian influence; that there is not a person in all her population but belongs to some pastor for instruction and for sympathy if he cares to have them. The ministry may be more or less efficient; the whole scene is chequered with failure and success, here and there with conspicuous instances of each; but viewing it as a whole we see twelve thousand centres planted with the best men in character and intention that are available, and to that extent every inch of English soil is given to Christ. That at all events is the magnificent aim and idea: who cannot sympathise with it? When once the pastor assumes the responsibility of taking a department of this great framework, there is everything, both human and Divine, to stimulate the best part of his character, whether this be noble and commanding, as it sometimes is, or only of average elevation. But it is his point of professional credit to work his parish efficiently. There he stands at the head of that community, in town or country, among rich or poor. Parochial machinery is set on foot, including every sort of benevolent design, and whether or not his flock will hear his message and attend his church, he is still their friend, and does not forsake them because they do not

value his spiritual efforts and cannot pay for them. His support is not through them, or at least only so in exceptional circumstances. It is no little advantage that every parishioner may claim his ministrations and has a right of access to the services of the Church. There a man never need feel he is intruding; for he is on public ground. No doubt he is welcome enough in the dissenting chapel; but that is private property, and strictly speaking he is there only on sufferance unless he contributes to its support, which he is expected to do, and he knows it. He has no *claim* on any minister out of the Established Church.

### SECT. LXIII.—IT IS THE GREAT BLESSING OF RURAL DISTRICTS.

We will consider now the parochial system more particularly in the country, where the usefulness of the Established Church is proverbial. A rural parish is for the most part a tolerably large and thinly inhabited tract with a parsonage house and respectable endowment for the pastor. The country clergyman therefore is in regard to social position a gentleman resident and in comfortable circumstances. He is not a squire, though in point of education and refinement equal to one. He has free access to those below and to those above him. The poor will confide in him as they will not in one of their own class, and he has a weight with the squire class which no one could for one moment possess who was not of gentle breeding. Sometimes the pastor is the only gentleman of the neighbourhood, in which case he is the squire to the humbler orders. But if there are wealthy gentry likewise, he is the usual channel of communication between them and the poor, a sort of pivot of the entire community. The squire may be charitable and humane, but he may be frequently non-resident; he is often in town, often on travel. On the other hand, he may be harsh and illiberal. The pastor at any rate is a permanent resident, and it is his calling and profession to alleviate the difficulties and trials of his people. Of course he too may be indifferent, negligent, and contentedly unpopular: but there is

an immense weight attracting him to an opposite inclination in that it is his calling, his profession, his office to be otherwise; and in that public opinion expects this of him in a greater degree than of any one else. Another powerful influence operating in the same direction is that he mixes with the poor, which indeed he can hardly help altogether, as they have, and they feel they have, a sort of claim on his good offices; and since he mixes with them and cannot keep aloof, he is made acquainted with their difficulties; and then, as human nature is so constituted, especially in men of refinement who are oftenest men of sensibility, sympathy is generated. If, however, notwithstanding all the obligations of his Christian profession and all the natural tendencies of his position, he should still fall miserably short of what he is expected to be, there is yet hope for the indigent and afflicted (for it will have been observed that it is these helpless classes of whom we have been now speaking) from the female members of his family. But the very fact that this is not altogether certain, and that the poor cannot go to the parsonage as to a relieving office, and can make no legal demand of the minister, has its use. Let us only imagine the contrast between the too common relations of the poor with the Union and its officers and their relations with the pastor and his family even in a moderately ordered parish!

It is the more needful to bear in mind this line of thought when we consider the unquestionable fact that all parish ministers are not as enlightened as they should be in matters strictly religious, nor all so earnest as they ought to be in their spiritual dealings with the people's souls. But even in any locality where this is unhappily the case, there is *some* mercy possible through the Church's mission; for it often happens that a man who is an unskilful, perhaps even an unawakened, messenger of the Saviour to his people's souls, feels warm in his bosom the humanities and charities of life. We would not for a moment say that this would be adequate compensation for the absence of the very highest qualities of the Christian ministry, yet it may be allowed to be at least a very considerable blessing. But when we further reflect that a parish is not

by any means sure to be wholly out of reach of spiritual light even when its pastor is unspiritual ; that there are other agencies capable of supplying in a measure his lack of service, such as pious lay people, the prolific produce of the press, and we need not shrink from adding the ministration of an earnest but irregular labourer in the Gospel, and at all events a scriptural Church Service and the Bible Lessons ; we shall feel that the system of our Established Church, in spite of some gross failures, still sows innumerable blessings all through the land. We cannot wonder that there are many, even of those who sympathise but little with the highest mission of the Christian Church, that do not like to face the question of what would become of the rural districts if there were no Established Church. Even a "liberationist" can write as follows, while in the very act, however, of urging on the working class the disestablishment of the Church :— "The Church, it is said, so far as it touches the class at all, touches it only in the way of beneficence. She restricts no individual rights. She makes no pecuniary demands upon the unable or the unwilling. She opens her doors to the poorest. She welcomes to her spiritual care those who are without money and without price. Her clergy, whatever they may once have been in days gone by, are for the most part assiduous, self-denying, ~~and~~ indefatigable in the discharge of their spiritual functions. Many of them spend more in charity than they receive in stipends, go after those of their flocks who will not come to them, visit the sick, help the helpless, counsel the perplexed, and show themselves generally to be the best friends of the friendless" (60).

After such language from an opponent, we may be excused for introducing a quotation from an avowed and cordial friend, a liberal statesman of acknowledged candour. Sir Roundell Palmer, speaking of the rural poor, remarked :— "There is among them an abundance of those virtues which I honour, and which I wish were always to be found in an equal degree in the classes above them. I cannot imagine any institution to which this character of the labouring poor, so far as it really prevails among them, is due more than to that which has placed in the centre of the population of every parish in the

country a man educated and intelligent, whose business it is to do them good, whose whole and sole business it is to take care of their souls as far as by God's help he is enabled to do so, and in every other way, in all circumstances of life, to be their friend and counsellor. In proportion as he does that work he does a thing of inestimable value. Of course it is very imperfectly performed even by the best men. Of course there are many among the clergy who do not rise as nearly as they ought to the height of such a calling; but it is not the less true of the parochial clergy, taken as a whole, that they do this work in a degree and to an extent which is of inestimable value.”\*

#### SECT. LXIV.—IT PROVIDES A SUPPORT OF MORALS.

We have just noticed how much the country owes to the ministry of an Established Church for alleviating the difficulties and trials of its poor. This leads us to another point, and we say that the nation owes to the same institution the invaluable blessing of an example and witness of morality, and a check upon the natural depravity of the race, not among the poor alone, but among other classes no less. Without any legal authority to suppress ill-doing, the clergy exercise a valuable influence in support of legal authority. They have no power of interfering or of acting as police; their whole influence in fact would vanish instantly if they attempted to interfere in prosecutions or to ally themselves with the police; yet their presence is felt in support of the same cause which the police are engaged in. Not only their instructions in the pulpit, and their office of proclaiming the Divine commands in church, constitute them an ally of morality, but their very presence is to some degree a standard of morals. In parishes where clergy and people from kindly intercourse know each other well, and have learnt a mutual respect, a man would not quite like his parson to find him intoxicated or keeping scandalous company. An employer would not feel thoroughly comfortable in oppressing his workpeople with the parson living close by. An

\* Speech on Mr. Miall's motion, May 9, 1871.

itinerant ministry, which must be the chief substitute if an Established Church is suppressed, might keep people in some degree instructed; but a resident pastorate promotes morality if anything possibly can. We are little aware perhaps of what such a change would involve. Let us then take a glance at some former conditions of England. The latter portion of the eighteenth century is well known to have been a period of great rural debasement. It is equally well known that during that same period the beneficed clergy, partly by reason of pluralities, shamefully neglected residence on their cures, while curates having charge of two or three neighbouring parishes travelled from church to church on Sundays. A system of itinerancy like that would be again very largely prevalent in rural districts if there were a general confiscation of endowments. We will quote two eighteenth-century testimonies to show that competent observers of that period most decidedly connected the immorality of the rural districts to the prevailing neglect of clerical residence. Dr. Samuel Johnson wrote to a young clergyman (August 30, 1780):—“What I like least in your letter is your account of the manners of your parish; from which I gather that it has been long neglected by the parson. The Dean of Carlisle (Dr. Percy), who was then a little rector in Northamptonshire, told me that it might be discerned whether or no there was a clergyman resident in the parish, by the civil or savage manner of the people.” The Bishop of London (Dr. Porteus) in 1794, while the French Revolution was beginning to fill England with great alarm, thus addressed his clergy in a Charge of uncommon solemnity:—“There never was, I will venture to say, in the history of this island, a single period in which the personal residence and personal exertions of the parochial clergy were ever more wanted or more anxiously looked up to and expected, and *demanded*, by the general voice of the whole nation, than at this moment, in order to fortify the faith and sanctify the manners of the great mass of the people” (61).

These extracts give us some hint of what we might expect from the withdrawal of some thousands of centres of moral influence from the rural districts of England.

## SECT. LXV.—IT EXHIBITS THE NATIONAL PROFESSION OF RELIGION.

An Established Church is the best guarantee of a national profession of Christianity, or as we might perhaps better express it, of an official profession of Christianity by the representatives of the nation. Let us not be misunderstood. The actual religion of a nation is to be measured by the prevalence of religious principle and practice among the individual members composing it; and this doubtless is the grand matter. But what we are now rather referring to is another thing that should not be overlooked, one that every Christian warmly sympathises with, believing it to be well pleasing to God and good for the people, the *official expression* of the national Christianity; when, for instance, the great acts of State are consecrated by religious observance, solemn inaugurations are accompanied with Christian rites, legislation is conducted after Christian prayer.

While maintaining this point, we question whether all that is usually advanced in support of it is well founded. We will not undertake to say that “a national profession of faith can only be attained by maintaining an Established Church.” We can conceive it quite possible that State forms of religion could be carried out under the circumstances of a non-established Church to a degree quite consistent with what could be in all fairness held to be a national recognition of God. A coronation might still be religiously conducted, and the sovereign’s chaplain, who would be of the sovereign’s denomination, would preside over the religious ritual. National thanksgivings, national fasts, might still be enjoined in that general form which on such occasions is now addressed to the Church of Scotland; and the heads of the State might publicly and officially participate and assist on such occasions, inviting some one of the current “denominations”—each impartially in turn perhaps—to conduct the service in its own way. The houses of the legislature might still appoint their chaplains to officiate in prayer, who could discharge their duties with as

much general acceptance as is usually done at public religious meetings where various denominations are gathered. No one can deny all this to be possible; and when we find that the President of the United States proclaims a thanksgiving-day, and the Congress appoints its chaplain, it becomes a very unsafe argument in favour of an Established Church, that the latter is *necessary* to a national profession of religion. What we believe is maintainable, and what we maintain with the greatest confidence, is that an Established Church is the *best* (though not the *only*) guarantee of that national profession. Without a recognised and legally established form of worship the religion practised on such occasions would be of a most precarious kind. The legislature might appoint Unitarian chaplains, the sovereign might elect to be crowned with Roman Catholic ceremonies. It is very possible that at some period or other a desire on the part of the State to escape the "religious difficulty" might tacitly operate to pare down public religious celebrations to a minimum, and even reduce them to a nullity. In this indirect way indeed it might turn out in practice that an Established Church was necessary to a national profession of Christianity, and it would be a fair argument as to whether this result would not in the long run be a natural and a certain one. Our argument then might be thus stated: In point of principle an Established Church is not *necessary* to the national profession of Christianity; but it is very questionable whether under our circumstances that national profession could be practically maintained independently of an Established Church, while it is certain that without an Established Church, and the guarantee which this gives, that profession would be of a most uncertain and precarious character.

#### SECT. LXVI.—IT GUARANTEES THE PROTESTANTISM OF THE CROWN.

Closely connected with this is another most important advantage in a church established by law, that without it there would be no means that we can see of binding the Crown to the Protestant religion. The term Protestant, taken by itself

and disconnected as it now necessarily is from the historic event that gave birth to the term, would not be at all easy to define (62). Unless it is connected with some distinct form of worship or confession of faith embodying in it the spirit of Protestantism, that word might be justly termed, what it is often so *unjustly* taunted with being, a mere negation. At present the sovereign of these realms must be a member of the Church of England; by attendance on its forms he gives a perpetual current guarantee of belonging to the Protestant faith; and by being carefully trained in the principles of that Church, and accustomed to its worship and instructors from the earliest years, his honest attachment to its principles is in the best and the only conceivable way secured. But without an Established Church, with sectarian jealousy ever closely on the watch upon the preferences of the princely mind, with no recognised and perhaps no definite training, with no stated and frequently recurring calls for a public profession, with every disposition to keep religious profession a private matter concerning nobody else; what guarantee would there be against a secret conversion to that system which has been found in these days capable of arraying itself in such very seductive forms for the high and noble, and which lavishes all its resources with the utmost prodigality, and with sometimes the most surprising success, to secure converts in the supreme ranks of society?

#### SECT. LXVII.—IT ROOTS A SACRED INFLUENCE IN SOCIETY.

We will conclude this chapter with some eloquent words of Mr. Burke:—“The majority of the people of England, far from thinking a religious national Establishment unlawful, hardly think it lawful to be without one. In France you are wholly mistaken if you do not believe us above all other things attached to it, and beyond all other nations; and when this people has acted unwisely and unjustifiably in its favour (as in some instances they have done most certainly) in their very errors you will at least discover their zeal.

“ This principle runs through the whole system of their

polity. They do not consider their Church Establishment as convenient, but as essential to their State; not as a thing heterogeneous and separable, something added for accommodation, what they may either keep or lay aside, according to their temporary ideas of convenience. They consider it as the foundation of their whole constitution, with which, and with every part of which, it holds an indissoluble union. Church and State are ideas inseparable in their minds, and scarcely is the one ever mentioned without mentioning the other.

“ Our education is so formed as to confirm and fix this impression. Our education is in a manner wholly in the hands of ecclesiastics, and in all stages, from infancy to manhood. Even when our youth, leaving schools and universities, enter that most important period of life which begins to link experience and study together, and when with that view they visit other countries, instead of old domestics whom we have seen as governors to principal men from other parts, three-fourths of those who go abroad with our young nobility and gentlemen are ecclesiastics; not as austere masters, nor as mere followers, but as friends and companions of a graver character, and not seldom persons as well born as themselves. With them, as relations, they most constantly keep up a close connection through life. By this connection we conceive that we attach our gentlemen to the Church; and we liberalise the Church by our intercourse with the leading characters of the country.” \*

When we survey all these benefits which England derives from her venerable Established Church, it is hardly too much to affirm that it is amply worth while for the civil government of any country to secure them to itself, were it possible, by money grants out of the public revenues. Our colonies *do* in fact pay for Church ministrations, although not to one denomination alone. But some of the benefits we have enumerated are such as no money could procure; they are blessings which through God’s good providence have been incorporated with our very history, and are such as no legislative measures that could be framed and no amount of public grants could be

\* ‘Works,’ vol iv. pp. 231-2. Rivington.

certain of bestowing. Yet these blessings are ours without any resort whatever to national taxation. How insane then and how suicidal would it be to confiscate that ancient patrimony which the fathers of English Christianity provided, and which has produced such inestimable blessings among their descendants!

## CHAPTER VI.

## REASONS AGAINST DISESTABLISHMENT.

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SECT. LXVIII.—THAT DISESTABLISHMENT WOULD BRING DISMEMBERMENT.

ADVANTAGES of establishment are, in fact, reasons against disestablishment, and we have accordingly in some measure anticipated this chapter. But still there are other reasons which properly belong to a separate heading, and these we proceed now to discuss.

In the first place, we maintain that the disestablishment of the Church of England would prove its dismemberment. If we can show this consequence, we are entitled to enumerate it among the arguments against disestablishment, even in dealing with opponents; and for the simple reason, that our opponents do not profess to desire the destruction of the episcopal communion considered as a purely spiritual body, but rather its greater efficiency, which they allege is hindered by the fact of "establishment." Logically speaking, their meaning is that there is so much capability of good in the Church of England, so many elements of blessing for the whole nation, that there is only required the removal of certain obstacles from her path to make her an unmixed benefit to the country, those obstacles being summed up in "connexion of Church and State." If we were but disestablished (so they argue), and thus "liberated" from the bondage of this connection, it would be for our good and England's good. It would indeed be unfair both to ourselves and our opponents to state that this is their sole motive for disestablishing us, and that they are only desiring our greater good by advocating such a measure; still it occupies a

considerable place in their speeches and writings, and we have accordingly to meet it.

We meet it by showing that disestablishment would mean not our improvement, but our dismemberment; and to show this is unfortunately not, in our opinion, a difficult matter. For we have to remember that our present Church, as an organised institution planted over and occupying the land, has grown up from the beginning on the establishment principle, and on no other. Comparing it to a tree, the establishment principle is its sap; comparing it to a fabric, the establishment principle is its cement. Let us not be misunderstood. We are extremely anxious not even to seem to lower, in the least degree, the spiritual ideal of a Church of Christ. We are not speaking of its vitality and the principle by which it is a Church, and as a Church a witness for Christ, which principle we claim to be the Word and Spirit and presence of Christ. This aspect of the Church is not now in question; without countenancing low and materialistic views, it is still necessary to recognise a certain material bond which holds together the several parts of the Church in the execution of its holy mission among the people and prevents its breaking off into sects. This it is which we are now contemplating exclusively; and just as we may properly speak of a dissenting community being organised on the principle of current subscriptions and spontaneous congregations (or whatever analogous terms it might be more correct to use) without any reference to the vital principle through which it claims to be a member of the body of Christ; so we speak of the establishment principle of the Church of England. This principle is its uniting bond, the law of its growth. Men profess their agreement in certain doctrines and discipline, and are accordingly allowed by law a life interest in certain funds and edifices for the purpose of teaching those doctrines in the paths of that discipline, and in submission to certain claims of the State and certain prerogatives of the sovereign. This is an intelligible principle, and upon this has grown up a vast organisation such as we now witness in the Church of England. This principle has created the special kind of cohesion which keeps together that special

instance of organisation. Be it a right sort of cohesion, or be it the best, neither of these is now the question ; it is the special kind which has produced and which maintains a special fabric under consideration, and that is the point. The cohesion of the Church of England is not the cohesion of the Church of Rome, nor that of the Wesleyan Connexion, but quite another, *sui generis*. Our cohesion is grounded on the elements of free-hold benefices, subscription to formularies legally interpreted and imposed, and an immense variety of patronage. Such it is, good or bad. We cannot take away that special cohering principle which makes it what it is, and then bid the fabric cohere notwithstanding. The debris of the fabric may be recomposed in new forms, or they may not ; at all events the original fabric is destroyed. It is of no use to point to the "disestablished" Church of Ireland as still remaining undissolved. Disestablished it is not, although the circumstances of its establishment have been much altered ; and it may yet prove that the integrity which it enjoys is in a great measure due, which we firmly believe it is, to the fundamental principle of establishment which it has not yet lost. It is much more to the purpose to observe that the natural tendency of unestablished bodies is towards subdivision. The Non-jurors divided into Usagers and Non-usagers ; Congregationalists into Independents and Baptists ; Baptists into particular and general ; Methodists into two chief parties and several subsections ; while the Free Church of Scotland appears to be on the point of important organic change.

We have argued this point, as we were bound, from our own meaning of the word "disestablishment." But we are equally bound to take into account the probability that, should disestablishment ever take place, it will be rather in the popular sense of the term, a "rearrangement" on a reduced scale, a reduction in fact similar to that of the Church of Ireland. Whether *this* would produce dismemberment is much more difficult to predict. Much would depend upon the extent and nature of the reduction. Our case presents more uncertainty than that of the sister church, in that the latter was not afflicted with that internal conflict which would prove our

chief peril. The opinions of those who have anxiously pondered our prospects have been greatly divided ; and as some persons of much weight do not hesitate to pronounce our dismemberment as certain to follow, it is at least prudent in us not to be too sure of the contrary.

#### SECT. LXIX.—THAT MANY OF THE EDUCATED CLASSES WOULD GO SPIRITUALLYADRIFT.

Supposing then the present Church of England split up and her historical continuity closed, it is affecting to think what a vast body of men would be cast adrift from Christianity altogether. The poor and ignorant we shall refer to presently ; it is not they who are at this moment in our eye, but men of education and social position. Multitudes of these there are, by no means so strong in their religious convictions as they ought to be, yet not devoid of religious dispositions, who now join by preference and with comfort in the services of the National Church. It would be wrong to describe them as merely nominal Churchmen, or formal Christians, and dead branches who add no strength to any community. They may be feeble indeed, in a religious point of view, and far too cold and worldly ; but as far as they go they are sincere. Are they therefore to be despised ? Has not the Christian Church a mission to these as well as to the publicans and harlots ; and is it of small account that they should have met some Christian ministration that is acceptable to them ? But what a shock it would prove to men of this class to find the Church they respected drifting into a dozen sects ! It is not too much to believe that their religious habits would drop, and that living out of earshot of religious appeals they would wander further and further away into the regions of indifference and scepticism. There are many reasons why such persons would not connect themselves with other bodies. There is not one of the existing sects but has its own special history, its traditions, its peculiar ways and habits, and its own distinctive phraseology. No religious community can altogether divest itself of these things, which have grown for the most part with its history and woven

themselves into its very tissues. What its past history has been, what its traditions and associations are, that the sect is so far as regards the form and complexion in which it presents itself to mankind asking for adherents. Neither the Church of England indeed, nor the sects around it, are without painful memories and unhappy traditions. But some of them have compensating associations, which to those who can appreciate them more or less neutralise their effect; and the class we are speaking of are the very ones to do so. They connect with the Established Church, as they most truly may, venerable antiquity, doctors of grave and dignified piety, writers who have thrown a lustre around her name; they think of her with sentiments of respect for the social rank of her ministry, the stateliness of her temples, the sweet pictures of her choicer localities, the dignity of her public worship, and the unquestioned superiority of her children in culture and refinement of life. Men who feel the attraction or the unconscious fascination of these ideas would not readily adhere to any of the existing sects or to any new ones wearing more or less a resemblance to them. Blame it, if we like, as over-fastidiousness, there is in them a repugnance unconquerable to join in new experiments in secession as well as in old ones. They remember the names of Hooker, Herbert, Andrewes, Bull, Thomas Wilson, John Newton, Wilberforce, and are thankful to be identified with the community which they adorned. They are too quiet, too little ardent and impulsive, to join in any very vigorous defence of the Church which they have inherited, and too sad it is that this should be the case; but disinherited of this, they are adrift for ever, and this is sad likewise. Only one assumption could make us indifferent to this consideration, but that assumption is based on a grievous and radical mistake as to the proper office of a Christian Church in the world and the needs of man in reference to it. Assume, for instance, that a Christian Church is only analogous to a commercial company, whose trade is to supply a natural demand for the goods it deals in, and then many of the arguments of liberationists are conclusive. Let every man, they say, pay for what he wants; employ and fee

a minister of religion for his services just as you employ and fee your solicitor and your doctor or incur a bill at your grocer's:—maxims verily not learned in the school of Christ, and requiring very little consideration to expose their hollowness. For on this principle who could possibly advocate the cause of missions to the heathen ? It would be replied—if the Chinese or the Jews or the Fijis want the Christian religion, let them pay for it themselves ! Why be importuning people in England to send out wares for which there is no demand ? But assume, as the early benefactors did assume, that the Christian Church is a witness and a propagator of God's truth among the disobedient and the unwilling, a machinery for seeking and saving the lost ; then the fallacy of leaving out of consideration a class of men to which we have been referring is plainly seen in all its deformity, and we cannot deny that the disestablishment and dispersion of the National Church will send adrift from all religion whatever a multitude of educated men who are now at all events in the way of deriving blessing from Christian ordinances if they have not yet derived it as they ought.

#### SECT. LXX.—THAT THE HOME MISSION WORK WOULD BE THROWN BACK.

But suppose the Church of England, after being disestablished or materially reduced, to hold together and maintain its continuity ; even then, what would become of its mission among the dense oppidan and the scattered rural populations ? For it must be repeated again and again that the object of a Christian Church is not only to exhibit a spectacle of order and self-government, but to teach mankind the Christian religion. Many persons, observing the Irish Church and the success of its synodic action acquired by the Act of "disestablishment," speak as though the measure of 1869 were after all a boon to her, entirely losing sight of the fact that a Church does not exist for synodic action, but synodic action for the Church ; and while distant observers are congratulating her for such signs of vitality, her own children are enduring anxieties

little suspected for the absence of those finances which can alone enable her to do the work which her synod regulates. The work of a national Church is to teach all who can be induced to learn the faith and morals of the Gospel of Christ, to seek for souls, to establish costly agencies, and maintain them unflinchingly, for alluring towards its blessed sound the unbelieving, the dissolute, the castaways, the young, and the poverty-stricken. By the confession of everyone the Church of England is the very foremost in this divine work. The Church is the only body—at all events the only Protestant body—that persistently holds all its posts among the very poorest in great towns. It is observed over and over again that dissenting chapels disappear from the most wretched localities, and migrate, sometimes even taking their endowments with them, towards the paying ones. But what churches are built every year, what missions are planted all over the metropolis, by the Bishop of London's Fund; what Peel districts are marked out and manned continually in other large towns of England! Education of the poor has been for many years almost a monopoly of the Church; not because she has been favoured by public grants in aid (for all have been assisted equally in proportion to their efforts), but because her efforts and voluntary offerings in this noble cause have been prodigiously in excess. It is the same with every benevolent object. If we take any local Infirmary report, and compare the congregational collections on the annual "Hospital Sunday," the Church shows by far the largest gifts—it might be triple or quintuple (63); and the leaders and pleaders in all this—of course they are the clergy. Stationed at every point, privileged with easy access to every house, having a voice that reaches every ear, they are expected to head, and they do head, every movement that goes forward for the education of the poor and the succour of the miserable. Disestablish and disendow the Church, and there comes at once a chilling frost over every struggling effort in this vast system; the work of civilising and humanising the masses, which cannot even now keep pace with the increasing yearly demand, is disorganised, thrown out of gear, and put back—how many generations one dares not

think upon. The cry in Nonconformist Churches is for more adequate support of ministers of religion. Appeals to the common humanity of congregations, sometimes urged in terms of scathing irony, are continually being made and still require to be made. Financial difficulties are those that cripple their work. For want of revenue, they leave their poor to be visited and relieved by the clergymen of the parish ; for want of this, they desert the destitute districts altogether ; for want of this, they have been paralysed in their educational efforts. In many a country district we observe the modest wayside chapel. We conclude that it betokens a resident pastor and corresponding machinery. It may or it may not ; in many instances it does no such thing. The services are conducted by non-resident itinerants, acting on a plan that could be tolerably successful only on account of the ever-present ministry of the clergyman of the Church, who is expected by public opinion to treat all parishioners as his flock in the day of their adversity, and whose views of his duty are in nineteen cases out of twenty in harmony with the public opinion ; so that even when the inadequate piety of the clergyman is often the apology for the presence of the chapel, a full reliance is shown on the adequacy of his charity and sense of duty. But disestablish the Church, or even materially reduce her, and resident ministers must give way to itinerants, at any rate to a considerable extent and in the more necessitous districts, and everything that now depends upon congregational collections, as well as the organised detail of charitable effort, must languish : at any rate, there would be no church bound and pledged, as at present, by the very terms of its existence, to make its work coextensive with the whole country and the entire population.

#### SECT. LXXI.—THAT THERE IS NOTHING BETTER IN PROSPECT.

Another valid reason against the disestablishment of the Church of England is that there is no reasonable prospect that the certain good she has done and is doing would be done if she were removed. In plain words, what should we be the better for it ? It is easy to point to defects and blots both in

the present state and in the past history of the Established Church. But nevertheless this one fact always stands out, that Dissent has at no time supplied her defects, nor stood bright by the side of her blots. When we say this, we are considering the two communities each in its collectiveness, the entire Church and the entire body of Dissent; for to deny that individually and locally Dissent has supplied the defects of the Church would be ungenerous and uncandid indeed. Never probably since Nonconformity existed have there been wanting numerous instances where the ministrations of godly Dissenters have blessed the neighbourhoods of careless and unworthy Churchmen. But this is nothing to the purpose of the argument of this section. We are thinking now of the two communities in their separate oneness. Were the Nonconformists of 1662 the pious men of their day? If they were, they had belonged to the Established Church, and were desirous of remaining still in her bosom. It was not in the school of disestablishment but in the school of establishment that they learnt their piety. Did the clergy of the eighteenth century grievously lapse into Arianism? So did Nonconformity likewise, and Arianism was the grave of the English Presbyterian churches. Did the Established Church of that century sink low in moral corruption? If it did, as doubtless it did, the revival also issued from its own bosom, and not out of Dissent. Wesley, Whitefield, and the evangelical succession sprung from the Established Church and were members of it to the last. Has not the Established Church been a great anchor of orthodoxy in this land? Yes, and Nonconformity has sometimes found the advantage of steadyng itself at her moorings; for many instances are on record where the ministers of dissenting chapels have been required by their trust-deeds to sign certain of the Articles of the Church of England as the best practicable guarantee of their orthodoxy; not to speak of that general influence which the Church at various periods has exercised on opinion all round her by the learning of her divines, and the soundness of her theology, acting in the general commerce of mind with mind. Whatever therefore are and have been the faults of the Established Church taken as a

whole, Nonconformity as a whole has given no proof whatever of having afforded any sufficient counteraction of her faults or having effectually supplied her shortcomings. But assuredly men ought to be able to show a reasonable expectation of furnishing something better before urging so momentous a demand as that of uprooting such an institution ! We say then that it is a sound reason against disestablishing the Church of England, that we see nothing better to come in its place, nothing that promises to do the work she is doing, or any other work of equal national importance. Nay, Nonconformity itself teems with acknowledgments of faults, vices, and failures in its system. Its favourers are not satisfied with their own condition any more than they are with the Church's. They feel the need of amendment and reform to make them what they ought to be just as much as we of the Church of England do. Nor do they attribute their imperfections (those at least which we have now in view) to the fact that the Church of England is established ; for they think that, of the two, they are on the whole superior ; nor do they profess that our disestablishment will improve them, but argue that it will put all upon one level as regards secular advantages, without one occupying a prestige above the other. They argue also that the measure is to improve *us*, not improve them ; that we shall reap the benefit, not they. Imperfect therefore as they acknowledge themselves, they yet cannot contemplate that disestablishment will raise the general condition of the various churches that will then exist above what they are, or what they hope to be through improvements that they are ever busily suggesting—above what they *are*, we may fairly say, for hopes are hopes, and there are fears as well as hopes. We urge then that there is no sufficient reason for our disestablishment arising from prospect of greater national blessing to spring from such a measure.

#### SECT. LXXII.—THAT CATHEDRALS COULD NOT BE MAINTAINED.

What would become of cathedrals and other like edifices approaching their scale, might seem to some a consideration of

comparatively minor importance. It does not seem so to us by any means. Could we stand beneath those palaces of religion and dream of the possibility of their ever belonging to any private society? Surely they tower up above all around them, those glorious piles, as bearing witness to nothing less than a national Christianity, challenging England perpetually from generation to generation by a visible *HOC SIGNO VINCES* to confess the Godhead of the Redeemer. We cannot therefore profess indifference to them or leave them out of view in marshalling reasons against disestablishment, which is also disendowment.

In the case of a reduction rather than disestablishment, we have to consider that the advocates of that policy carefully limit the Church property that should be allowed to remain to that of recent times, the year of the Toleration Act, 1689, being specified as the dividing date. In regard therefore to the ancient fabrics, we must argue on the assumption of a proper disestablishment. Under these circumstances the Church could recover possession only by purchase; and as even in this country money is limited, it does seem a startling thought that such monster subscription lists would have to be opened, and at a time when so much else was being thought of. Besides the money raised for their purchase there would be the annual sums required for repairs and maintenance. How easily these gigantic edifices can get out of order, and what enormous sums are required for their maintenance the present generation, which is doing so much to revive their perfect beauty, is well aware. On the other hand, to allow these priceless works of art to sink into decay and ruin is what a nation like England would never suffer, unless such a change should come over her spirit as every patriot must shudder to think of—a spirit that would condone more terrible actions than the overthrow of fifty Vendôme columns. To secularise them would be impossible. England would not be England when this was done. And yet those who are not appalled at the thought of a disendowment of the National Church would have to face this question. It is absolutely necessary they should do so, and to hide it from themselves or from their countrymen is something more culpable than their weakness. Advocates of disestablish-

ment in regard to all the ancient possessions of English Christianity, realising the fact that such a measure would have to be complete and consistent, and finding themselves therefore obliged to sketch some plan for the disposal of the fabrics, have discovered the extreme difficulty of suggesting anything even for parish churches that did not shock men's sense of religion and raise a cry of indignation. It might safely be predicted that as it would require a revolution to wrest these edifices, from the humblest rural sanctuary to St. Paul's Cathedral, from the Christian Church, their very presence on the soil and amongst the homes and haunts of men would ere very long produce a second revolution to restore them. Men who had never seen it before would then begin to see what a wonderful instinct it was that led the early Christians to erect their temples of worship in a style and on a plan so totally different from any buildings used in the ordinary purposes of life ; they would realise that when those primitive worshippers marked out upon their ground the cross and the chancel and piled upon their tracings such stones of endurance and such elevations of beauty, they were setting a mark upon their country for Christianity that would live through all revolutions, and witness revival upon revival of Christ's truth and Christians' faith amidst the desolations of sceptical philosophies and the waywardness of mistaken sectaries.

#### SECT. LXXIII.—THAT THE ESTABLISHED CHURCH IS A NATIONAL BLESSING. (Burke.)

In summing up the reasons against the disestablishment of the Church of England, we cannot do better than enrich our pages with the eloquent words of our patriotic statesman of the last century, who reflected so beneficially for his country on the portentous revolution that was menacing her institutions from unhappy France. "Before we take from our establishment," wrote Burke to the gentleman in Paris, "the natural human means of estimation and give it up to contempt, as you have done, and in doing it have incurred the penalties you well deserve to suffer, we desire that some other may be presented to us in the place of it. We shall then form our judgment.

“ On these ideas, instead of quarrelling with establishments, as some do, who have made a philosophy and a religion of their hostility to such institutions, we cleave closely to them. We are resolved to keep an Established Church, an established monarchy, an established aristocracy, and an established democracy, each in the degree it exists, and no greater.

“ It has been the misfortune (not as these gentlemen think it, the glory) of this age, that everything is to be discussed as if the constitution of our country were to be always a subject rather of altercation than enjoyment. For this reason, as well as for the satisfaction of those among you (if any such you have among you) who may wish to profit by examples, I venture to trouble you with a few thoughts upon each of these establishments. . . .

“ First, I beg leave to speak of our Church Establishment, which is the first of our prejudices, not a prejudice destitute of reason, but involving in it profound and extensive wisdom. I speak of it first. It is first and last and midst in our minds. For, taking ground on that religious system of which we are now in possession, we continue to act on the early received and uniformly continued sense of mankind. That sense not only, like a wise architect, hath built up the august fabric of states, but, like a provident proprietor, to preserve the structure from profanation and ruin, as a sacred temple purged from all the impurities of fraud and violence and injustice and tyranny, hath solemnly and for ever consecrated the commonwealth and all that officiate in it. This consecration is made, that all who administer in the government of men, in which they stand in the person of God Himself, should have high and worthy notions of their function and destination; that their hope should be full of immortality; that they should not look to the paltry pelf of the moment, nor to the temporary and transient praise of the vulgar, but to a solid, permanent existence in the permanent part of their nature, and to a permanent fame and glory in the example they leave as a rich inheritance to the world.

“ Such sublime principles ought to be infused into persons

of exalted situations, and religious establishments provided that they may continually revive and enforce them. Every sort of moral, every sort of civil, every sort of politic institution, aiding the rational and natural ties that connect the human understanding and affections to the Divine, are not more than necessary, in order to build up that wonderful structure, Man, whose prerogative it is to be in a great degree a creature of his own making, and who, when made as he ought to be made, is destined to hold no trivial place in the creation. But whenever man is put over man, as the better nature ought ever to preside, in that case more particularly he should as nearly as possible be approximated to his perfection.

“The consecration of the State by a state religious establishment is necessary also to operate with a wholesome awe upon free citizens; because in order to secure their freedom they must enjoy some determinate portion of power. To them therefore a religion connected with the State and with their duty towards it becomes even more necessary than in such societies where people, by the terms of their subjection, are confined to private sentiments and the management of their own family concerns. All persons possessing any portion of power ought to be strongly and awfully impressed with an idea that they act in trust; and that they are to account for their conduct in that trust to the great Master, Author, and Founder of society.”\*

#### SECT. LXXIV.—THAT THE UNESTABLISHED CHURCHES IN AMERICA ARE NOT ENCOURAGING.

In discussing the advantages of an Established Church we naturally look for an example of a country where no such institution exists, which at once brings us to the United States, the nation of free and voluntary churches. Curiously enough, both the opponents and the advocates of established churches

\* ‘Reflections on the Revolution in France.’ ‘Works.’ Vol. IV., p. 231, Rivington.

appeal to this quarter, which renders it necessary that we should view the actual facts with all the more caution and discrimination.

The old Anglo-American Colonies, like the mother country, all had their established churches, some of them episcopal and some not. The churches were established not on private benefactions, but on public taxes annually levied for the special purpose in each locality—church-rates in fact—out of which churches and parsonages were built, glebes were provided, the ministers were paid, and the expenses of public worship were defrayed. In some instances landed endowments in addition were acquired by royal and colonial grants. As in England, rigid conformity was the rule, and for a while it was the practice. Dissent however as usual sprung up, and by the year 1776, when the Declaration of Independence issued, it had become widely prevalent. One of the first consequences of the revolt was a general demand for the disestablishment of churches, to which after longer or shorter struggles every State yielded. But as in the recent case of Ireland, the disestablishment was not perfect and absolute; for though the annual imposts were stopped and the glebes purchased from that source were declared public property and sold, there was no confiscation of the fabrics nor of the royal and State grants. At the present day Trinity Church in the city of New York, belonging to the Protestant Episcopal Church, owns a property derived from this source which is acquiring a magnificent value. Though the “disestablished” churches retained possession of property derived from public sources, the States exercised no interference in them. The feebleness in which those bodies remained sufficiently accounts for this. It was no single united church, but a bundle of churches, some Congregational, some Episcopal, and even the latter not compacted together, but distributed among the Colonies, without bishops, and ruled from the mother country. Then too the War of Independence almost crushed the life out of them all, and especially out of the Episcopal Church which was on the loyalist side. The State might therefore safely leave them to themselves, as the English Government will probably leave the Irish Church if

she never becomes powerful and influential. Thus the old "disestablished" churches of the United States are as entirely free and voluntary and without State control as the various communions around them.\*

We must acknowledge that under all the circumstances of the case the disestablishment of these churches was not an unfair measure. It was no violent confiscation of private endowments, but the discontinuance of public compulsory taxation. It was more reasonable than the abolition of church-rates in England. The present Protestant Episcopal Church of America does not regret its having been disestablished; for to be established on the old foundations was anything but desirable, and to be established on English foundations was impossible. Being no longer a public and national institution, she has not the responsibility of occupying the whole land, as the Church of England has; and in her very contracted sphere as a private society she enjoys many comforts and much influence, her congregations being composed of the most educated classes and her ministers being better off than the average. She does not however neglect her mission to the destitute according to her means.

The United States then being, as we may say, without any established church, does it follow that the nation makes no official acknowledgment of God and no public profession of the Christian religion? We must not by any means answer in the affirmative. The supreme legislature at Washington, and the legislatures of the separate States, commence their daily proceedings with prayer to Almighty God, conducted by chaplains appointed for the duty. In law courts oaths are administered on the Bible and the oaths of atheists are rejected. The Lord's Day is recognised in all public proceedings, while Congress, law courts, custom house, and public offices are closed on that day. Thanksgiving Days and Fast Days are appointed on proper occasions, and the proclamations enjoining them recognise Christian views. Never can we desire to forget that the Great Republic is *not* officially a godless power. We are extremely thankful that it is Christian.

\* See sect. xxxiv.

On the other hand we must admit that in some important respects official acknowledgment of God does not come into the view of the nation and occupy the public conscience so strikingly as it does in England. This difference in our favour is largely due indeed to the circumstance of our constitution being monarchical. With us the nation is summed up visibly in the person of the sovereign, and in his official acts it sees itself. There is little analogous to this in a President. He cannot be imagined as august, the type of a nation so to speak, but only an intensely political personage, representing to the popular eye, like our premier, the favourite party. One of our most impressive ceremonials of national religion, a coronation, which the Christian conscience of the people ever regards with fondness, and which though so rare in its occurrence is felt actually to share the times with us, finds of course no place in America. Verily in some sense our sovereign *is* a “*persona mixta* ;” he is “*religious*” in the official language of the prayer-book, which means that it is his office to be so, and what the nation, without deeming it necessary to be inquisitorial into private life, expects to see in visible embodiment. If Englishmen were ever unhappily to know from the ‘Court Journal’ that the sovereign, and his heir, and the royal family, lived in open disregard of the Lord’s Day and of public worship, their religious sense would be deeply shocked, and they would believe their throne proportionately weakened. In America there is nothing corresponding with this. We read in a recent work—“The head of the State may go to what church he pleases, or to none at all, without exciting any remark. Mr. Lincoln was not often seen inside a place of worship, and his successor pays even less attention to public religious observances. The nation feels no interest in the matter.”\*

If then an official acknowledgment of Almighty God by the nation is less prominent and more precarious in the United States than with us, we must allow all due weight to differing circumstances. At the same time we cannot but see that an

\* ‘Eighty Years of Republican Government in the United States,’ by Louis J. Jennings, 1868, p. 177.

Established Church, especially one constituted like ours, felicitously lends its aid in investing the representative of the nation with what the Christian conscience expects to witness. The regular participation of the National Church in affairs of State down through history has made a place for her in every public ceremonial, where the manifest fitness of her presence, the baronial rank in her ministry, and old tradition, give her ease and naturalness far from all suspicion of ostentation, and have created the scenes which Burke has immortalised in his beautiful ideal of Christianity showing her dignified demeanour unabashed in courts and parliaments.

We turn to another branch of the American example and inquire how the unestablished church system succeeds in providing for the religious wants of the population. The answer to this again must be not so unfavourable as some persons appear ready to assume.

Sufficient church room is on the whole provided, and the Americans are a church-going people. A recent tourist\* reports that he was not prepared to find such strong evidences of popular respect for religion as everywhere met him. The city poor, he remarks, are mainly Irish Roman Catholics, "who are looked after by their own priests with much external success, if I may judge by the character of the congregations I have seen in Roman Catholic churches." The masses of the genuine Americans are spread over the country districts, and, as we might expect in so boundless a territory, they do not correspond with our rural "poor." A very homely fabric for worship satisfies their taste, and their energy soon supplies it in every settlement. The voluntary system then in America thus far suffices.

The great drawbacks of religion in that country are of another kind, and it is here we have reason to thank God for our Established Church. The various denominations are so many narrow enclosures, with strong lines dividing them from each other. To such as are unprepared to classify themselves

\* The author of 'Letters from America,' 1870. This work has been since republished by the S.P.C.K.,

under the title of 'To San Francisco and back, by a London Parson.'

there is almost no relief but general abstention; whereas in England there would be the National Church with its essentially Christian but not sectarian services, which can be enjoyed by persons of so many various shades of sympathy. If we may be pardoned the familiarity, an American that is not carefully labelled is in danger of being owned by nobody; a species of religious freedom which is thus concisely expressed by the 'London Parson,' "There is more choice of opinions than individual liberty of judgment."

Then comes the important question of the supply and quality of ministers of religion, the relation which they hold towards their flocks, and their general influence in the society where they move. Here the eye meets another weak point, in spite of some strong and favourable ones. The American finds it far easier to erect his homely church than to maintain an efficient and really useful ministry in it from year to year with a decent stipend. *Hic labor, hoc opus.* The college makes noble efforts to train their young men to the requirements of this exacting age, and labourers of great talent are thus sent into the harvest, receiving from wealthy congregations remuneration on a worthy scale. It is the average men—the great bulk of course—that find the humiliation of education and poverty, in teaching a people from whom they must hide their sores. The following sentence occurs in the pages of a recent writer\* on American religion, who regards it with sympathetic eye and describes all the good he can find. He says that "in no country in the world are ministers of religion more respected by the people," but nevertheless "it often happens that ministers are not so amply or punctually provided for, through their own fault and that of the ecclesiastical body to which they belong. Were the duty of well supporting the ministry *preached as often and plainly as it should be*, they would be better provided for. As it is, they are enabled to live, with great economy, in comfort, and *a faithful pastor will nowhere be allowed to starve.*" The italics are ours. The passage almost reads like irony, though nothing is further

\* The Rev. Dr. Robert Baird, 'Religion of the United States,' 1844, p. 306.

from the writer's mind. Because the poor pastors do not beg hard, they have to thank themselves for the shortness of supplies! Can we wonder then when we read in another page that the ministry of American Churches is recruited from artisan apprentices, clerks, shopmen, and ploughboys on their fathers' farms? Can we wonder that a committee of investigation on this subject \* found themselves obliged to report that ministers lose their respectability in the eyes of the world, are robbed of their mental independence, and have their professional usefulness greatly abridged, and that many young men of talent and character are deterred from entering the sacred profession? The minister of religion is looked upon with a very friendly eye; he is treated with a most respectful and even affectionate charity; if he mentions his calling when making a purchase he gets a reduction made in the price; if he travels by railway his fare is lightened, if not even cancelled.† But he is not exactly looked up to, as he is for instance in English society. He is not set over the congregation, but they give him a "call." No one dreams of his being the social pivot of his locality; if a church or a school is wanted, the independent flock take it into their own hands, and if he is relieved of the responsibility, neither does his influence count much.

Once more: the multiplicity of sects in the United States, some of them of the wildest and most grotesque description, has become proverbial. It would be unfair, however, not to take into account America's special exposure to this evil, arising from her position in the family of nations. The most heterogeneous materials compose the elements of her population, to which every country of Europe contributes, and she receives into her bosom the crudest productions of eccentric piety. Happily we have not to contend with such a disadvantage. But America's situation in this respect would have made an Established Church on our model of endowments (had it been possible in her circumstances) a special blessing, in providing some counteractive in this melancholy state of things. Had there been a parish church and ministry where-

\* See note 59.

† The 'London Parson.'

ever the settler set his foot, the rudimentary communities on the borders of advancing civilization, which now remain long without any religion at all and are too careless for preferences, would have been prejudiced in favour of some sensible and settled form of religion. This must have mitigated, we by no means say it would have overcome, the evil which now afflicts American Christianity. The Established Church of England is sometimes twitted for having failed to comprise within its fold the Christianity of this nation. We shall have more to say on this subject at a future page. Here we may at least remark, that even the incomplete measure in which we have secured a pervading form of sound religious worship is success itself when compared with the multitudinous and often fantastic sects that cover the Transatlantic States.

There is, moreover, a contrast in the two countries in regard to the outward presentment of Christianity to the eye and sense in every corner of the land. Our system of endowments, on so comfortable a scale, and the whole status of a beneficed clergyman, have made the charge of a parish a most coveted position, which men of culture and feeling have been always glad to occupy for their lives. This has had the effect in a great degree of adorning our sweet landscapes with their tasteful architecture; for it is one of the fondest ambitions of an incumbent to hand down improved to posterity the solid, substantial, and often beautiful structure he has inherited the charge of from his predecessors. The sacredness too with which the law invests a consecrated building, to say nothing of that which Christian feeling casts around it, by prohibiting its conversion to other uses, has produced a chain of sacred associations from age to age, which makes even the modest village church the centre of a local history. Many an old family finds its authentic annals in its monumental remains and the records of the parish archives. There can be no question whatever that all this is an addition to the stock of a nation's wealth—a wealth of treasure beyond the price of gold and silver; and there can be no question that we owe this national prize to our Established Church. English Nonconformity in the two centuries of its existence has failed to make such a

mark upon the land as yet, although there are everywhere signs of how Nonconformists would fain make up the loss. Turning to the country we are now reviewing, we read in the friendly pages of Dr. Baird—"In the cities and large towns churches are in nine cases out of ten built of brick; a few are of stone; in New England cities and towns of second and third-rate size they are often built of wood. The village churches of New England are for the most part constructed of wood, that is of beams framed together and covered with boards, and being almost invariably painted white and surmounted with steeples they have a beautiful appearance (64). In other parts of the Atlantic States, though often of wood like those of New England, they are still oftener of brick or stone, or of unpainted frames and boards, which is especially the case in the South. Trinity Church, New York, is a remarkably fine specimen of Gothic architecture . . . . There may have been in some cases a useless expenditure of money in internal decorations; but in general the churches even in our largest cities are neat and rather plain buildings externally, and exceedingly comfortable within."

One important feature of the Christian ministry in America in which the influence of an Established Church seems wanting, is the unrestraint which it allows itself; and now we speak of the better classes of the clergy. If it wears in the lowest grade a form of grotesqueness and fanaticism, it sometimes in the higher takes a strong political complexion. A writer before quoted has remarked:—"Perhaps in no country in the world is the pulpit used for hustings purposes so systematically, with the general encouragement of public approval, as in America. The Almighty is constantly exhorted to compass the return of the popular candidate and the misery and discomfiture of his rival. The morning sermon in some churches is a diffuse essay upon the events of the day, in which the Divine approval is announced of certain political opinions. New England preachers address their hearers in the time of excitement as if from the stump. The chaplain in Congress during 1865—67 prayed daily against the President, 'that he might be humbled and cast down,' and that his own party

might be covered with great glory. The best known preacher in America gains his notoriety solely by the freedom with which he discusses on Sunday morning, from a text of Scripture, the acts of public men and the turn affairs are likely to take." It is well known that unestablished Churches in this country are by no means free from a similar tendency. An Established Church, ours at all events, is the least likely of any to offend in the same way, and as a general rule our clergy do not pass the bounds of propriety. The reason is obvious. They feel they are the ministers not of a sect, but of the National Church, in which they have no right to obtrude such topics. As a rule, extreme reticence characterises their pulpit addresses even in the most exciting times; the only exception being when they consider the Church to be directly attacked by political measures. In the sectional distribution of the people which prevails to so unmitigated an extent as in America, religion and politics go in a great measure together, and a preacher finds himself addressing one complexion of hearers alone. In England it would be a hard case indeed, and quite exceptional, if the most opposite political partisans could not meet in their parish church on Sundays without anything whatever to remind them of the strife of other days.

The Church in America is not then one for us to envy. Were the picture of it as bright as its greatest admirers describe it, still none but a shallow mind would bid us adopt it for ourselves. What a marvellous empiricism is that which would bid us get rid of our venerable home-growth on the chance of the production of an entirely different soil thriving among us as well! Rather would we keep what God's Providence has given us, and improve it as well as we may in accordance with the law of its own being and in harmony with the institutions with which it is intertwined.

We will conclude this chapter with a quotation from the candid pen of a learned Nonconformist. Speaking on the subject of putting an end to the establishment of the Church of England, he said:—"We are not building a new edifice upon unoccupied ground. Admitting the abstract argument to be in our favour, its practical application would require the greatest

caution, and holy wisdom such as I dare not look for in man. The Religious Establishment of our country has been for ages wrought into the connexions and habits of the nation. To break its manifold connexion with our civil institutions, in any way than by the gentle operation of conviction in the minds of its own members, would be venturing upon a dark and perhaps very perilous course. My ardent wish and prayer is, that the Establishment may be improved, delivered from evils and defects of every kind, and meliorated, honoured, and blessed, to the highest perfection of conformity to the requirements of the holy Scriptures. When this is accomplished, she will no longer be dependent on state-patronage ; nor will a good civil government wish her to be so. When that time arrives, the Episcopal Church will have a power immensely greater than that of any other denomination of Christians. Her venerable edifices, her hold upon the affections of Englishmen in general, her endowments equitably distributed (for I trust that no spoliation will ever be suffered) and the unfettered activity of her ministers upon a system of freedom in worshipping and preaching in any barn or hovel or field,—will be likely, under the blessing of heavenly grace, to produce effects of the most glorious kind, in the advancement of genuine religion. There will be joy in heaven ; ‘God shall bless us, and all the ends of the earth shall fear Him.’”\* We trust we may add to these noble words that, with the heavenly blessing he refers to, the Church of England may still advance towards that high efficiency without any need of disestablishment, even with the good will of her own members.

\* Dr. Pye Smith’s Sermon on ‘Necessity of Religion,’ already quoted.

## CHAPTER VII.

## OBJECTIONS ANSWERED.

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SECT. LXXV.—THAT AN ESTABLISHED CHURCH IS UNFAIR  
TO OTHERS.

THE former chapter fulfils to some extent the object of the present one; but there are some current objections to an established Church which had better now be met in a more formal and categorical manner. A crop of them, founded as they are on mistaken views of what “establishment” is, have been already answered by those portions of this Essay which sought to expound the true principle.

First then let us notice the assertion that to have one particular Church established is unfair towards others. This saying is founded on the assumption, which indeed usually accompanies it in terms, that a certain sect out of many existing ones is selected by the Government to be exclusively dignified with rank and titles, and to monopolise for its own enjoyment the property intended for the whole nation. Thus, if in one of our colonies the governing party were to choose out one of the various sects prevailing among the immigrants, heap upon it every kind of privilege, and subsidise it exclusively out of the public revenues, this would be doing to that sect what the opponents of the Church of England often say is done to her in this country. It was in fact pretty much what the colonies of North America did, in their attempts to create an Established Church. But it can be hardly necessary for us to repeat that the Church of England does not correspond with any such idea. Our position is this: certain endowments were bestowed by private benefactors to supply the religious neces-

sities of the country. Laws grew up for the regulation of those who should carry out the object of this magnificent alms, and it became a custom to connect the chief ministers of the Church so planted, useful men as they were and much needed, with offices and titles of dignity. A great system thus sprang up imperceptibly, adapted to the circumstances of the age, moulding and moulded by the nation itself. In process of time, sections of the community became dissatisfied and withdrew themselves from all participation in the old foundations, leaving these to continue as before. How then are the separatists treated unfairly? Surely in making such a charge they proceed on ground entirely baseless. There is this other fallacious assumption involved in the objection, that a Church exists for its own sake only, or for the sake of its ministers. It exists for others likewise. It exists for the maintenance of truth, morality, and religious worship, and its endowments are the necessary machinery which it employs for that noble object. Even allowing however, for the sake of argument, the existence of unfairness as regards the enjoyment of revenue, the proper remedy would be a wider basis of establishment, certainly not the destruction of it. For how can that be a fair re-adjustment, which confiscates the endowments of the richer body, but leaves those of poorer ones intact?

#### SECT. LXXVI.—THAT AN ESTABLISHED CHURCH FOSTERS WORLDLINESS.

Establishment is said to be corrupting, through the engendering of pride and pomp and secular ostentation. It is not the principle of establishment that engenders these bad things, which however certainly may arise, and sometimes have arisen, from faults connected with it, and which might be amended without impairing the safety of the principle. Thus for instance, if endowments are excessive, or if secular dignities are injudiciously bestowed, the evils complained of naturally follow. But if they can be proved to exist, the proper remedy for them is *reform*, not destruction. Endowments may, if necessary, be clipped; titles and distinctions may, if advisable,

be shorn off and Parliamentary dignity put a stop to ; and if all this were to happen, establishment would remain intact. The Church of Ireland is (as we have maintained) established ; but is she now on this account an offensive exhibition of pride ? Or is the Scottish Established Church an offender in pomp and secularity ? It may be safely affirmed that in these days airs of lordliness and worldly grandeur in ecclesiastical dignitaries and their inferior brethren are in little danger of prevailing. The conscience of mankind is all against it, and if it were really an offence nothing would be so easy as to attack it, by passing laws which would go to the root of the matter ; but the very fact that public feeling is not stimulated in that direction proves uncontestedly that there is no crying abuse of this nature in existence, and that, taken as a body of men, the ministers of the Established Church of England, from the highest dignitaries downwards, do not behave themselves before the nation in a manner unbecoming their calling.

#### SECT. LXXVII.—THAT AN ESTABLISHED CHURCH FOSTERS INERTNESS.

Again, it is said that establishment is corrupting through the inertness fostered by endowments. Examples of inertness are easy to discover. Many of our ten thousand parishes are unquestionably inert. The pay is assured, whether the pastor works or not ; and the consequence is that in far too numerous instances a spirit of slumber besets both priest and people, and those good measures for which there are no special endowments provided are found to languish. The “fructuating patrimony” of the Church is hidden in a napkin by the slothful servant. Undoubtedly there is far too much of this ; let us confess it freely and without reserve. The proper remedy for it is one of the anxious questions of the Church rulers. But of all conceivable remedies, how could the most practicable, the best and wisest for the whole people of England, be the confiscation of their patrimony ? Here again, it is reform and improvement that is wanted, not destruction. For most assuredly it is not *all* sloth that we see in the picture of the

Established Church. Take this body as a whole, the production of voluntary effort with it, the fructuation of its patrimony, is simply amazing. All the dissenting communities in the country cannot reach it. Measured by money alone, a single diocese, within the incumbency of a single diocesan, will in these days raise a million or so for providing for the religious wants of its flocks. The experience of the present generation can be confidently appealed to as a witness that, instead of lazily dropping down the current, *incumbite remis* is the watch-word within the borders of the Church of England beyond any other Christian body. Proof of this lies in one single department of work, and one the most easily measured, the education of the poor and the middle classes, upon which we have elsewhere touched. But if, notwithstanding this general scene of vigorous activity, we are obliged to confess many, far too many, instances of inertness, let it not be supposed that inertness is a monopoly of established Churches. Many and many an active clergyman knows too well that his pastoral attentions must include those who will not frequent his church, but do attend elsewhere, or they will be without such ministrations entirely (65).

#### SECT. LXXVIII.—THAT THE ESTABLISHED CHURCH HAS FAILED IN HER MISSION.

It is alleged against the Church of England that she has failed to accomplish the task for which she was established. To say of an institution that it has failed to accomplish the full measure of its design, and to say that it is a failure, are two very different things. As regards the former we would ask—what Church has otherwise than failed in accomplishing all its mission? Christianity itself has not fulfilled its whole duty, and it is responsible for the continued existence of a vast amount of error and heathenism in the world. The objection from failure would reach very far indeed. Has parliamentary government accomplished all its mission? Has republican government? Have the universities? Do the army and the navy and the police-force and the magistracy always accomplish

their mission? Assuredly not. Missions in this world, missions of all kinds, are hard beset indeed, and a mission is but another word for an interminable conflict. If it grapples with its special antagonist, and does not give in through weariness and indifference, it wins the approbation of those who support its hands. Now as regards the Established Church, the fair question ought to be, is she as a whole honestly doing her work? The question as the opponent puts it is almost a charge against her of being bankrupt in duty. Even this she may be confessed by her warmest friends to be occasionally, and at some special point of her wide sphere. But looking at her as a whole, considering what her task is, reflecting on the inevitable imperfection of every human instrumentality working on a vast scale, comparing her with others that are entrusted with similar duties and tasks, we do hope that her truest sons, as jealous as they ought to be for her efficiency and her glory, which is the glory of hard labour, may without self-conceit or self-deception say that she is not yet a failure. Is she recognising her mission, or is she indifferent to it? Is she behindhand in every Christian work? Is she letting every Nonconformist sect take the lead of her in evangelising effort? In the work of education, for instance, which forms so very large a portion of the true business of a Church, is she inert, indifferent, obstructive? We may fearlessly answer these questions with a No on her behalf. In the education of the young she has not only been the first in labour, she has nearly had the monopoly of it (66). We must moreover remember what this means. It is not that the Government supplies all the funds and machinery of education, while the ministers of the Established Church are brought in to take the direction of it, and so are privileged to use the public resources to perpetuate her own influence. It would almost seem that this is the idea which many of her opponents entertain of her educational supremacy; and if this were the true one, they might be excused for the vehemence of their opposition. It is anything but true. The position which the Church has occupied in education has been won by her toil and self-denial and sacrifice. She herself has provided the means, or the great

bulk of them, by the voluntary gifts of her own members; and the way she has covered her parishes with tasteful erections, and trained her teachers, and collected her scholars, if it could all be placed before us at a view, would be found almost to reach the dimensions of an exploit. The public grants in aid, given (as we observed before) to all denominations alike in exact proportion to their labours and expenditure, under the sanction of the Legislature itself, not the minister of the day, are almost monopolised by her. It is this splendid supremacy of effort and success which has provoked the jealousy of so many of her opponents and armed their hands against her; and if this success has earned her this hostility and danger, she is surely entitled, without the reproach of boastfulness, to urge it on her own behalf when her opponents are aiming a different dart at her pointed with the word “failure.”

But besides the education of the poor, other things may be mentioned in which the Church has not proved negligent or ineffective—the general intellectual teaching of the higher classes. She has taken her proper place in higher religious literature; works of power in defence of the Christian faith have come from her pens in full proportion to her standing amongst other Christian bodies. This cannot well be proved, like education of the young, from statistics; but the mention of names will carry great weight with those who really know something of the subject, and are not satisfied with catching up objections for stone-throwing. The names therefore of Bull, Waterland, Barrow, Butler, Paley, may be mentioned if only to suggest a multitude of others whose works are still a living power among us and form a most precious inheritance. Nor does the present generation prove itself unworthy of such predecessors. Well-equipped minds are still in the high places of the field, a comfort not to their own communion alone but to all men of the Christian name. When public lectures and discussions on the evidences of the Christian religion or on alleged difficulties of faith are perpetually issuing forth from the schools of philosophy and departments of science, Churchmen are found taking a share the proportion of which is no just cause of shame to them. Far be it for any

Christian Church in these days to glory in its prosperity: there is not one but rather need be humble by reason of its shortcomings. But failure is a desperate word, one to stop a man's career and put him out of heart. Thank God for the Church of England, the signs of that are not yet past all doubt. Her mission will be ended when she finds a general paralysis extending through her whole system. When we see that her historic parish churches are crumbling away and are never restored, that congregations desert her aisles and flock to other walls, that her services never attract devout spirits nor her pulpits build up intelligent piety; that her clergy change their posts of duty followed by no tokens of regret; that her missions to the heathen attract no earnest labourers and her missionary meetings are cold and jejune; that she wins no affection from her youthful members, no enthusiasm from her young men and young women; that no aged saints tread her sanctuaries; that no devotional literature in prose or verse issues from her cultured homes and wins its way in other communions; that the timber walls of her annual Congress annually contract, and the working men's night is the least interesting of all the week, that she can extort not even an occasional tribute of admiration from neutrals or opponents; that no voice and no pen will come forward to defend her under multiplied and venomous attacks; that while in all such matters as these Nonconformist channels alone are full, evidencing a demand abroad which they alone or they best can meet:—then the old Church of England must confess that she has really and has lamentable failed (67).

SECR. LXXIX.—THAT THE ESTABLISHED CHURCH IS  
WEALTHY.

The wealth of the Established Church has been put forth as a reason for confiscation. But is the wealth of the Church being used for pernicious purposes? If that can be proved, the wealth may be justly confiscated. Or can it be shown that the wealth is excessive? Then the excess may be confiscated. Its unequal distribution, if that can be fairly made out, is

obviously only an argument for better management. We believe it will be found by examining statistics that the gross revenue of the Church being placed on one side, and the totality of its work on the other, there exists no scandal to vex the economist, although the reflecting mind trained to generous sentiments will now and then discover a disproportion between work and pay which he will account for on the principle of serving for love, a divine illustration of some divine words—“Freely ye have received, freely give” (68).

#### SECT. LXXX.—THAT THE CLERGY OBSTRUCT SOCIAL REFORMS.

That the clergy have been backward in social reforms, has been advanced as an argument for disestablishing the Church. If they have, still the clergy are not the Church, and it is unreasonable to punish the parishioners because their ministers have been backward. Understanding the expression social reform in its widest and best sense, as sanitary and moral improvement, especially amongst the classes which need these most and can help themselves least, it would be hard indeed to prove that the clergy as a body have been the great obstructives (69). We have our suspicions that the real grievance is that the clergy are not generally found as politicians supporting the side which the objectors take. In our free country it is but fair to allow all men to have their own view of what constitutes a social “reform;” and a liberal age will not consider it fair play to visit with penalties an active and influential class of men who stand by their own convictions, and more especially when those are the very men who are laying themselves out for work of various kinds in the best interests of others, and have given proofs of a disinterestedness on the whole which certainly merits a kind and friendly interpretation at the hands of generous opponents in the great excitements of our electoral contests.

SECT. LXXXI.—THAT THE ESTABLISHED CHURCH HAS FAILED IN UNIVERSALITY.

The Church of England is threatened with disestablishment from her ancient endowments because she has failed to secure universality.\* In other words, because she has been unable to prevent dissent. No doubt she has failed here; and it may freely be owned not without fault of hers. There would have been less dissent now had Church rulers in other times been wiser and clergy more faithful. But it is surely unfair to attribute the prevalence of dissent entirely to the rulers and ministers of the Church. They are by no means the only responsible parties. The great body of the nation must take its share of the blame in those cases (and they are neither few nor unimportant) where dissent has been promoted or irritated by legislative measures enacted or refused. When the nation acts as a whole by its constituted organs, it is not wont to wait on the opinion of the clerical order, or to be the organ of their behests. The English legislature has had a tolerably independent history; it has ever thought for itself, and at all events has not been ruled by ecclesiastics—never at least while dissent has had a history. It was the legislature of England, not “the Church,” still less the clergy of the Church, that enacted, for instance, that disastrous Act of Uniformity of 1662.

And then, moreover, we are bound to take into consideration the inevitable tendency of the human mind to think for itself and pursue its own course, even though authority be exercised with the wisdom and the charity of angels. In laying nonconformity at the door of authority, neither the friends nor the foes of the Church of England have always judged with sufficient candour. They should bear in mind the undoubted fact that if authority has not always been wise, those subject to authority have also been wilful and unreasonable. We all indeed are but human in error, and we have been guilty of many needless provocations, the seeds of which bury them-

\* Mr. Miall's motion, May 9, 1871.

selves deep in our national life, punishing us in after times with many hard problems to solve and many dangerous complications to thwart us when we would retrieve.

The religion of man, under a *régime* of freedom such as we glory in, and such as all other nations have not enjoyed, will not be bound within the limits of any one Church, be that Church as immaculate as Scripture in its constitution, and administered with the saintliest wisdom. It is not the province of an Established Church to secure universality. It is bound to provide for the spiritual wants of the whole nation to the very utmost of its power; it is not bound to secure the adhesion of all men. But if we can say that one-half of the population form her stated congregations, while three-fourths avail themselves freely and contentedly, although but irregularly and occasionally, of her ministrations, is not that, considering all things, a very handsome proportion? What makes these proportions so worthy of notice is the fact that the other half is by no means one compact body. They who decline the Church's ministrations, decline on a great variety of grounds; some of the dissenters are at issue among themselves no less than with the Church on many important points; while others who differ among themselves only in some very trivial matters cannot be induced by any amount of persuasion to merge their differences by union. If dissent really formed one united communion in distinction to the Church, proving thereby the existence of an earnest desire to unite to the very utmost and to allow no immaterial difference to divide the brethren of one foundation; then unquestionably the argument against the Established Church for failing to secure universality would be proportionately serious. But the contrary is notoriously the fact; and the multitude of sects shows conclusively that by no possibility could a Church be formed in a free country like ours which should command universal adherence. It is most unfair to contrast the Church of England in this respect with "Dissent," as though the latter were a rival Church. The more proper thing is to contrast the Church with any single denomination, and in *that* contrast she stands absolutely unrivalled. If the Church has failed to secure the

adhesion of all English Protestants, so has the Congregational body, for example, failed to secure the adhesion of all English Protestant Nonconformity; and it may possibly be affirmed that the failure of the Congregational or any other nonconforming body in this respect is much more conspicuous than the failure of the Church. There are two large bodies of Congregationalists, the Independents and the Baptists, which do not coalesce; there are varieties of Baptists, such as the General and the Particular, which cannot unite; the Methodists are a considerable group of sections and subsections all formed within their short and recent history.

#### SECT. LXXXII.—THAT THE CHURCH HAS FAILED TO SECURE INTERNAL HARMONY.

Again, the penalty of disestablishment is held out to the Church of England for having failed to secure internal harmony. To this reproach we answer that internal harmony is unattainable except in a partial degree. The Roman Catholic body, which in the marvellous perfection of its discipline shows a compacter front than any Church in the world, has considerable disharmony within its bosom. Each dissenting community has the same. As regards the latter indeed, Churchmen cannot but have been often struck with their higher seeming interior union, which they have sometimes even envied in contrasting it with their own lack of concord. But in point of fact Churchmen in these natural and fond regrets do their own communion some measure of injustice; for the slightest appearance of division in a nonconforming body produces a schism, which of course results in greater harmony within each member of the subdivision. The facility with which such detachments are made is not concealed by Nonconformists themselves. We may here instance in particular one very large division of Nonconformity, the Congregational, comprising Independents and Baptists. When internal breaches occur among them it attracts little notice from the outside world, who in fact hardly observe it; and for this reason, that the special theory of the Congregationalists being that each con-

gregation is a separate and independent church, a secession occurs without producing much sense of schism, almost perhaps without the separatists knowing what schism means. No fresh *sect* is caused, only another independent church. Thus what the rigorous hand of repression effects in the Roman communion, perpetual subdivision effects among the Protestant Nonconformists, and the Church of England alone presents to the eye of the world that internal disharmony which is in truth the common affliction of all equally. Some remarkable confessions of late have placed beyond doubt the fact that Nonconformity can no more repress these internal dissensions than ourselves. As smaller and more private communities they are able to prevent the publicity to a greater degree than we are, and that is all. Everything within the Established Church is proclaimed from her own house top, without compunction, and not seldom with exaggeration, and, though by her own children, without any tenderness whatever. Thus our affliction is exposed for every bird to peck at, while theirs is hidden and nursed. But it is better that such evils should be acknowledged before the world; and therefore we do not hesitate to admit with sorrow what our enemies taunt us with, a grievous internal breach, much of it without any justification and entailing upon us disgrace unspeakable. It is a trouble which should rally every affectionate member of the Church of England to think for her, to pray for her; a trouble which should induce every one who views with alarm the inroads of infidelity to seek all possible means of alleviating. But most assuredly it is not a calamity to justify her degradation and dispersion, seeing that other bodies have quite as much internal discord as ourselves (70). This too we should not lose sight of, that the points of so much controversy within our borders are not peculiar to us, and therefore are not the consequences of an Established Church. They belong to the age. For instance, are the respective sympathisers with mediævalism and the Reformation contending within our Church? Sympathisers with each of them exist likewise among the Nonconforming bodies (71). Do rationalism and orthodoxy struggle together in the midst of us? An eminent Nonconformist has said that

Nonconformity is “honey-combed with rationalism” (72). In fact it is preposterous to suppose that any Christian body can keep out of it the questions of the day; and it is just as preposterous to lay the existence of those questions to the charge of any one body. The keener intellects and the larger numbers are to be found within the Church of England, and there also as in the most conspicuous arena will momentous questions of all kinds be the most actively debated. Why should the espial be so one-sided? Why should it discover the agitation of great controversies within the bosom of the Church of England, and yet fail to discover that the masterly pens which deal with them in the interest of Scriptural truth are for the most part wielded by the members of the same active and learned community?

#### SECT. LXXXIII.—THAT THE ESTABLISHED CHURCH CREATES SOCIAL DISTINCTIONS.

An advocate for disestablishment enumerates amongst his reasons the circumstance that the Church creates social distinctions. He complains that every village has two sets of apparatus for the diffusion of charity, and that in every town there are two spheres of social intercourse. As regards the former of these complaints, we may suggest that perhaps the cause of charity, which is a good cause, gains by the division and the rivalry. While as regards the second, we would hint that social distinctions are very delicate things to deal with, and extremely unmanageable. It is much more easy to punish one of the social classes for its superiority than it is to obliterate the sense of superiority which it fosters; so that if it be thought that the class in our social circles which assumes to be upper would be the better for being humbled, the humbling could come in the shape of the confiscation of their churches and parsonages, and the reduction of their respected rectors, vicars, and curates. This humbling perhaps would satisfy the humbler; but it does not at all follow that the social circles which commonly do not fraternize now would fraternize then. Scotland may teach us that social distinctions are not oblite-

rated by the disestablishment of a Church ; for there by far the most of the higher orders still cling to the old disestablished episcopal communion. It is not establishment that makes all the difference. In France the Roman Catholic country gentleman often does not even know his parish priest by name. In England the Roman Catholics stand high in the social scale. The cause of social distinction lies much deeper than to be regulated by establishing or disestablishing a Church ; though the circumstances and concomitants under which a Church is established or disestablished is by no means to be left out of the account. Charles II.'s famous saying, that the Presbyterian was no religion for a gentleman, infected the prejudices of the upper classes long after the Scotch Presbyterians became established. To disestablish the Episcopal Church in England would most assuredly but perpetuate the social differences now prevailing, and make her members, who would never forget the authors of their overthrow, beyond all things exclusive in their sympathies and their intercourse. Nonconformists *as such* are by no means regarded in this liberal age as of a lower social grade ; and it would appear that recently at all events more pains have been taken, at public assemblies for instance, to make this clear. The causes of the lower social rank of Nonconformity *as a whole* are various. The poverty to which the "voluntary system" dooms their ministers has much to do with it, but by no means everything. The low type of religion among the inferior sects, their queer phraseology, their grotesque cant, their extraordinary modes of worship, have exposed them to considerable contempt ; and the dissenting world includes all this in the estimation of the upper classes, who will draw no distinctions, and who associate them in their ideas as all of one sort. The pages of a recent dissenting work plainly show us one very influential cause at least, for which the Established Church was certainly in no way responsible, why Dissenters dropped in the social scale, when under a mistaken sense of their religious duty they deliberately kept themselves aloof from all the best culture of their age. Speaking of the reign of Queen Anne, he writes : "It is difficult to say whether the general withdrawal of Dis-

senters from other circles of society, which began at this period, had much effect upon their numbers; but it certainly decreased, as it has ever since done, their moral influence. To a great degree this withdrawal was compulsory. It was a necessary result of their exclusion from the best places of education, and of the general tone of public opinion. But it was not necessary that Dissenters should have withdrawn themselves also from intercourse with literary persons. With a few remarkable exceptions, however, it was apparently the opinion of the generality of ministers now rising that it was most undesirable for religious persons to read any but technically religious books. The strictness of Puritanism, without its purity or its strength, was beginning to reign. With the death of the ejected two thousand and their contemporaries the intercourse of Dissenters, excepting for the purposes of trade, with the outer world almost ceased. Shakspeare's plays were forbidden writings, and Bacon was a 'profane' and unknown author. The 'Spectator' was probably unknown to nine-tenths of the members of the free Churches. Any person reading the memoirs, diaries, and letters of this reign might naturally imagine himself to be reading of two totally different periods of English history. He would scarcely gather from any work written by a Dissenter that such men as Addison, Steele, or Pope had lived at the same time as themselves. He would infer from the controversial writings of the great essayists, and from certain references in contemporary correspondence, that a class of people called Dissenters existed at the period when the writers were in existence, but who they were he could not even guess. On the part of Dissenters this unwise and unnatural estrangement came at last to be taken as a matter of course. It grew into a habit, and had almost the influence of a holy tradition. Narrow as they were good, men did not consider that few things could be more unfortunate for a nation than for its purest religion to be divorced from its best literature."\*

\* 'The History of Free Churches,' by Mr. Herbert Skeats. 2nd edit. 1869.

## CHAPTER VIII.

## DESIDERATA.

## SECT. LXXXIV.—INTERNAL PEACE.

WE devote this chapter to the consideration of some points of pressing necessity, which we conceive would make our Established Church, strong as she is in reason, still stronger in the conscience and affections of her members, and a more powerful agent for good in the nation.

Here we cannot help placing at the very head of our list the urgent necessity that lies upon us of *internal peace*. We do not mean by this the cessation of controversy, and the suppression of our views in matters that appear to us of the first moment. We want no hollow internal quiet like this, the quiet of death; and if we wanted it, it would not come. But for all this there would certainly appear to be attainable among Christian men a Christian degree of mutual consideration. We should never forget that we are a comprehensive Church. Men of very different schools agree to abide together in the same communion. We have not got the easy remedy against dissension which the Congregational theory affords, perpetual division into distinct units. Nor have we that strong and tyrannous hand of repression over us which prevails in the Roman communion. We have wide latitude of opinion, and a very large discretion in the expression of it. We are therefore the more deeply pledged to avoid all attacks upon one another that are really in our conscience before God unnecessary. There are two ways of making such attacks: one is assailing those who walk in the paths we do not like; the other is entering upon the paths that thus provoke others to assail us. The latter, generally speaking, is not even suspected to be an attack at all. Yet it most truly is so. It is the assault of provoca-

tion, which is the first beginning of strife. Say we are tempted to take a course of action or propound opinions which we know will certainly give offence. That offence however is given only to the “other side,” so it is not sufficient to cause us a moment’s hesitation. We are certain of annoying and wounding the earnest convictions and the deep-seated prejudices of those of another “party.” We pursue our course the more decisively for this, and not the less. No thought of such a thing as conciliating and considering opponents so much as occurs to us, even when the course we are entering upon involves nothing really fundamental. Surely this is not brotherly! Surely better counsels ought to prevail among us! We may be edifying ourselves, or our own party,—and inflicting a most grievous wound upon the whole body.

The experience of the Church has been of such a character in these days that it seems almost more necessary to insist upon considerations of this kind than upon the fair, generous, and self-controlling mode of conducting the controversies that are inevitable. For often as we fail in temper as argumentative controversialists, it is in inconsiderate and unreasonable provocation in surprising the Church by opinions and practices that we are the most guilty. In the latter, it is not too much to assert that we are reckless to the very uttermost, and quite unworthy of belonging to the same community, to say nothing of that community being a Christian Church. It is the very spirit and essence of schism; it is what produces all the schism in more freely-dividing bodies, and but for our different constitution we should be long ago scattered into a hundred independencies. By this unrelenting spirit at home, we not only give a handle to the bitterest opponents of the Church, but in other ways we prodigiously weaken her position in the struggle. She wins no real friends. She inspires defenders with no holy enthusiasm.

Our first great need then is a larger measure of brotherly kindness to temper the spirit of earnestness, zeal, and fidelity to our views of truth; to pursue our controversies not less searchingly, but with less spitefulness; more as in the sight of God, and as though we were dealing not with hated foes, but with friends and brothers.

## SECT. LXXXV.—LOYALTY TO THE REFORMATION.

Another thing necessary to make us strong in the hearts of Englishmen is a more jealous maintenance of the principles of the Reformation. There cannot be a doubt that within recent years the presence of a Romanising party among us has greatly shaken popular attachment and done much to increase the dangers of our position in the nation. Ever since the Reformation the Church of England has opposed a decided front to the Roman Catholic, and those who have avowed their discontent with her and their preference for Rome have quitted her ranks and joined those they loved better. Even the Laudian days were not an exception to this. But it has been reserved for us to see a compact party within the Established Church deliberately pledging themselves against all that is anti-Roman in her history, and bending their whole powers to revolutionise her in the Roman sense. A course of action like this must in the very nature of things tend, as far as it succeeds at all, to burst the Church into fragments. If the efforts of this party fall short of such a disaster, they still are working us great peril; and this in two ways: by loosening the hold of that multitude of Churchmen who are so intensely attached to the principles of the Reformation; and by affording a shelter within the Church of England for foreign elements of an opposite and no less dangerous complexion. We refer here to a rationalising party, which is the most tolerant of Romanisers, simply as requiring the same toleration for itself. Any close observer of our recent religious discussions must have noticed that some of the most fervid denouncers of the free-thought men have been amongst the most obstinate patrons, though not always active associates, of the Romanising men, apparently quite unsuspicuous that they have themselves so largely to thank for the intolerable evil they denounce. One party stretches the Church's forbearance to its extremest tension in one direction, and then resents another party using the same liberty in another. The first party thought perhaps that they were only offending and irritating that one school of men who

were their traditional antagonists. Truly they were right : they were paining and irritating those alone : they were encouraging and pleasing and assisting another and a far more dangerous school. Such is the Nemesis of that selfish and unbrotherly disposition described in the foregoing section. Now the last few years have brought under the most rigorous legal review the fundamental doctrinal principles of the Established Church ; and these have been pronounced, in terms that will not be forgotten, to be essentially in accordance with the Reformation, anti-Roman, and anti-rationalistic. The sentences have certainly allowed a very considerable indulgence to those whose teaching they have nevertheless recognised as quite out of harmony with the principles of the Church, on the ground that the language in which their teaching was couched could not be proved with sufficient clearness to contradict the formal language of the Church. This has opened wide a very dangerous door ; and it is one that throws those who are in their very souls jealous for the grand foundations of Christianity upon new principles and new strategies of defence. They must henceforth expend their main powers on supreme central truths, such as their Church maintains without question ; and all other border tenets, or foreign tenets, to which their minds may be privately disposed, should be considered by them as doubtful, held as private and individual opinions not to be obtruded upon the Church under the sanction of those wearing her authority. The Church's ministers should make the prominent subject of their teaching that which is the obvious and unquestioned teaching of the Church. All other points should be reserved, as within the liberty of the individual conscience, and never to be urged publicly except with that diffidence and modesty which becomes men speaking in their own names and, as it were, in their private capacity. This is unquestionably the most dutiful bearing towards the Church ; and this will be found in the end to be the soundest policy for the defence of those grand and fundamental truths which even different schools of thought among us are bent with all their hearts on maintaining, for the glory of Christ and for the good of this Christian nation.

These two desiderata concern the *spirit* which should animate the Established Church, and which Churchmen are able to carry out if they have but the will. There are other things that may be more properly considered as *measures*, in which the way is not always so clear.

### SECT. LXXXVI.—COMPREHENSION.

We would venture then to place at the head of these *comprehension*. We would advocate the principle of including to the utmost extent that is fairly possible the great body of the Christianity of England within the pale of the National Church. This has often and earnestly been considered and discussed, as it is well known. But the difficulties have been enormous. One great difficulty, if not the chief one, has been made by the movers themselves. They have sought to effect their purpose by attempting formal treaties and discussions with entire communities. This we think was a great mistake. Such negotiations can only be carried on with leaders and representatives. A denomination, as an organised body, includes great interests, and press interests not the least. The plan is to have no negotiations whatever, but to open a door for all to enter who choose, and open it as wide as we deem consistent with Christian principle, and no wider. The object before us should be not to swallow up a denomination, nor yet to “conciliate” the body of Dissenters. Both such objects would be futile, as a little consideration would show. A denomination coming over to us in a body, with its own special training and associations, would be really so foreign that there could be no true coalescing, and we might receive injury as well as benefit. The idea of conciliation on a large scale is not to be entertained. Differences are too inveterate, and they have become too envenomed; one proof of which is to be seen in the excessive weakness of the grounds of separation frequently alleged by dissenting authorities, and the intensely bitter language in which they are expressed. These manifest a deep seated dislike, utterly out of proportion to the reasons that can be mustered. It is an estrangement of heart altogether

out of the path of reason, and therefore not one to be negotiated with, that keeps these brethren separate from us. No; a more protracted and more patient policy must be ours—to dry up the source of future dissent as much as possible.

Many a young man there is, and has been, earnestly bent on devoting himself to the ministry, and powerfully attracted toward the Church of England. Almost the first thing he thinks about are his scruples. There are certain stock objections which the course of inveterate controversy among us has fastened upon scrupulous natures, and which perhaps nothing else would. His is just the age when warmth is fervent, scruples are strong, experience is short, wisdom unfledged; perhaps with no confidential friend at hand, perhaps with no judicious one. The scruples prevail. With affectionate regrets the youth turns to other paths, and links his destiny with a denomination. By degrees the ties which bound him in love to the Church of his childhood, and which he thought in the generosity of his heart he was always going to foster, are weakened by sheer force of separation; new ties are woven; new associations arise; a new mind, a new habit, a new spirit, a new temper are fostered; new interests have sprung up around his path, and he is in a new world altogether, and years have grown upon his head and his heart. The sympathies and antipathies of the denomination are his, and he is the centre of a new circle, which derives the same feelings from him. What a gain then it would have been to us if we could have cut away the ground from that young man's scruples! A few, a very few alterations in our occasional services, would have done us this service: the omission of a few expressions. The fundamentals of Christianity are not involved in them. Churchmen take different views of them and still regard each other, as far as those views are concerned, none the worse Churchmen. *Practically* the interpretation of those phrases or expressions is an open question. We act as though it were; yet we are afraid to do formally what we do informally. The controversies of the past have given a factitious importance and an unnatural magnitude to these unhappy difficulties; there have been fought over them battles in which neither side would

yield, and the means of adjusting them are now well-nigh impossible. Utterly impossible must they be, and utterly must all hope of drying up a large source of future nonconformity be extinguished, unless the brotherly spirit already spoken of, the mutual-consideration temper, should be cultivated in good earnest.

Yet the nation at large has certainly a good right to have its voice heard on the subject of comprehension. Nay, even the Nonconformists are not without their right. Those in whom the old endowments of this ancient Church are at present vested ought not to have the sole disposal of this momentous question. It is very true, when the Nonconformist advances against us with a demand for disestablishment on the ground that one Church monopolises property which was given for promoting the general Christian cause in England, we may and we must resist him to the uttermost. But when he approaches us with a request for comprehension on the same ground, he ought to be patiently heard, and every means should be sought for acceding to his request, the principle of which is most reasonable. Whosoever fault it is or has been, the great fact stands out with formidable plainness, that the National Church has failed to include within its pale a vast amount of thoroughly sound and orthodox and learned and useful piety of the nation. This fact alone speaks to us with the voice of a trumpet, and challenges us to a most earnest consideration of the reason for it and the remedy. If the Nonconformist proffered no demand of this nature, and made no claim to share in the endowments; if he rather repudiated ostentatiously all desire of them; still it would be our own duty and our own interest to entertain the question. But it is not true that Nonconformists are all animated by the liberationist and the disestablishment principle. It is by no means the case. The numerous instances that occur from time to time of Nonconformist ministers seeking orders in the English Church clearly prove how large a return we might count upon in this individual and miscellaneous way, if a judicious door of comprehension could by any possibility be opened. A respected Nonconformist minister in the north of England, not

long since, excused his attending a meeting of his brethren at Liverpool in the following terms:—“I should be very glad to attend any meeting for watching closely the course of events affecting the interests of the nation in reference to ecclesiastical matters; but I am not at the present era in English society kept much awake at night in anxiety for the interests of Dissenters, of whom I am one; but wish much more to consider ‘the interests’ of the English people in making our old English Church once again the Church of that people, than to overthrow and confiscate it.”\*

How to bring to pass such a state of things safely ought to occupy our most anxious thoughts. We may depend upon it, those words just quoted have an echo in the hearts of thousands of Nonconformists, ministers and others, if they could but be heard, against the harsh din of those who speak for denominations and for “interests,” who are above all things for maintaining a posture of antagonism, and from whom in fact nothing else can well be expected. To admit Dissenters *as such* to a participation with the Church is a measure we ought not to encourage. To allow them to use our churchyards, or to preach in our pulpits, would be mischievous indeed. Such a spirit of confusion and lawlessness as would be thus introduced among us, divided internally as we are already, is one to be feared, not invited. Such comprehension as would admit dissent itself into the enclosures of an Established Church we dare not encourage; but such as would facilitate the return of Dissenters is one we ardently desire.

#### SECT. LXXXVII.—SELF-GOVERNMENT.

Another desideratum we would adduce is a larger measure of self-government than we at present enjoy. For years past Churchmen have been increasingly anxious for autonomy. No doubt Church synods have their dangers under most circumstances, and there would be some special dangers under ours. These would arise from our internal differences. But with these special dangers there are some special safeguards; one

\* Rev. C. Wicksteed, quoted in the “Devonshire Churchman,” for Feb., 1871.

of which is that we have a comprehensive body of doctrinal standards and a form of liturgy, resting on a history of three centuries, settled by the legislature of the land and incapable of disturbance without its sanction. Why synods have proved occasions of disruption is because the settlement of important doctrinal tests was within their easy grasp, and there was no appeal from them. A temporary majority and a party manœuvre have decided questions which settled nothing but strifes and burning controversies. Our two Houses of Parliament, which would not lightly allow any disturbance of such a settlement as we have now so long enjoyed, would certainly be a great element of stability in the case of the Church of England.

As regards questions of detail and management there is every sign that Parliament will readily pass measures which appear to carry the general consent of the Church (73). One obviously thinks here of Convocation. This ancient body in its present form is not to be thought of, and Convocation reform, which has many advocates, is long, very long, in coming, and commands no enthusiasm sufficient to raise a tide for it. Perhaps we may best arrive at autonomy in another path. Diocesan Conferences may accustom Churchmen to meet and debate in a safe and practicable way. Church Congresses are doing the same. These voluntary bodies may ere long, if, as present appearances render probable, their interest keeps up, between them contribute something equivalent to a general synod of the whole Church. Although such a body would possess no constitutional voice, any measures it might agree to bring before the legislature with tolerable unanimity and with the evident assent of the whole Church would nevertheless carry great moral weight, and an archbishop in charge of bills embodying those measures would be well backed. Reform of Convocation might be one such measure; and Convocation might ultimately pass into the form of a synod which had thus informally grown up. We must remember that the Scottish General Assembly existed long before it was recognised as a legal and constitutional body. Perhaps then we may be permitted to point the hopes of Churchmen to future

increased self-government through the spontaneous efforts now variously springing up in the same direction.

#### SECT. LXXXVIII.—DEVELOPMENT OF THE ARCHIDIACONATE.

We will next notice the subject of a subdivision of dioceses. Many Churchmen have long set their hearts upon this, and have believed in very little prospect of good until it is attained. Still its attainment appears to be very very far off, as far perhaps as Convocational reform. It would not be wise therefore to lay too much stress upon this plan as a means of strengthening our National Church. Some of the few more unwieldy dioceses may possibly obtain subdivision; but a general and numerous addition to the episcopal staff is not by any means in the immediate prospect.

Our own opinion is that there is a measure within our reach which would give us most of the benefits and fewest of the disadvantages of a very numerous episcopate. This is a development of the archidiaconate. If archdeacons could be set entirely free from parochial duty and sufficient endowment be otherwise provided for them, they would take off from the bishop's hands a very large amount of his labours and make episcopal supervision reach much further than is now possible. An archdeacon who was in the constant habit of going the circuit of the parishes committed to him, cultivating friendly relations with the clergy, advising, counselling, assisting, would find his office one of more power for good and interest to himself than is now generally the case. At his visitations he would find himself amongst brethren, instead of amongst strangers, and none would grudge what now is often so slightly referred to, the visitation fees. An archdeacon at a visitation is often in pretty much the same water as the rector in his church on Sundays who never visits his parishioners in the week and is often asking for collections. The water is very cold indeed. Popular archdeacons, each an elder brother of a few score pastors, would be a great acquisition in every diocese. Many would hail such an innovation who would not entirely agree in the advisability of more episcopal supervision.

Beneficed clergymen of the Church of England, often in charge of vast parishes wherein they are trained to high administrative power, invested with considerable responsibilities and therefore enjoying a large amount of discretion in their proceedings, are very independent persons, and would often far rather meet the influence of an archdeacon than encounter the rights of a bishop. If a bishop's duties are multiplied in these days of increased population, so are the facilities for their discharge. Modern locomotion does wonders for him, and likewise for the clergy who wish to consult him if he do but reside sufficiently in their way.

### SECT. LXXXIX.—CHURCH REFORM.

To do justice to the subject of this chapter would be quite beyond our limits, and we must confine our list of desiderata within modest bounds. It is natural we should have something to say on Church Reform, which Churchmen of every class are anxious to promote, and which some feel to be the only defence of the Church that is needed, so well convinced they are that to make her all she is capable of being is to make her a very necessity to the nation and to place her beyond the reach of hostility.

But the term Church Reform is not altogether free from invidiousness. From the associations which the word reform has contracted in politics within this generation, it suggests, if we are not much mistaken, a far worse state of things in the Church of England than really exists. In spite of numerous blemishes more or less eradicable, she is *not* teeming with abuses, a mere stagnation of unreform. We must not fall into a way of speaking which propagates the notion that we desire Church reform one day to commence. It has commenced long ago, and has achieved important results. The Parliamentary Reform Act of 1832, with all the agitating discussions which accompanied its passing, woke up England to new life everywhere, and one of the earliest results was an improved state of things in the Church, for which measure after measure was enacted. So intent are we naturally on perfecting still further so vast a

means of good, that we are almost ungratefully forgetful of what has been effected. Much, very much, has been done since Dr. Arnold so earnestly and almost despairingly wrote his Principles of Church Reform. For instance, what a boon has been the Ecclesiastical Commission for turning Church revenues to the best account! More and more rapidly will its operations now every year benefit the most populous and the poorest districts of the kingdom. What this measure has done for the towns, the Tithe Commutation Act has done for the rural districts, placing the relations between the clergy and the farmers on a far happier footing. Only those whose reading has made them aware of the old legal difficulties in the way of erecting new churches will have any idea of the impetus created by recent church-building Acts. The Peel Districts too in populous towns are not to be forgotten. Most successful have been the laws abolishing pluralities, and every episcopal charge that we may read will show the instances of non-residence constantly and rapidly diminishing in consequence. The Episcopal Act, leading to the discontinuance of those incessant translations from see to see, have given their Lordships more thorough interest in their work. The Cathedral Act too put a stop to many abuses.\* It must, we think, be generally conceded that sees are filled up with far less reference to private and party interests than they formerly used to be, and that the advisers of the Crown have been on the whole anxious to recommend the best qualified men that they could find. There can be no doubt that to this we owe the earnest and pains-taking discharge of episcopal duty which characterises this period; the anxiety to secure men of piety for holy orders, to cultivate close personal intercourse with the clergy, and to bring them together in ruridecanal chapters and diocesan conferences for the promotion of Church work. Surely, while reaching on to the things which are before, we should not in every sense forget those that are behind. An occasional review of the past will mitigate querulousness and discontent, and stimulate hope and cheerful effort.

\* See an interesting article on these measures in detail in the "Church Progress," dealing with 'Quarterly Review,' Jan. 1868.

The reforms which Churchmen now desire most anxiously have reference to the following:—Convocation; Ecclesiastical Courts, including that of final appeal; patronage, including the traffic in advowsons and presentations; cathedrals; the Prayer Book, including the Athanasian Creed. If improvements are not adopted speedily in all these important cases, it will not be from any lack of zeal, but from a difficulty of finding the exact course to adopt, a difficulty great enough to try the highest wisdom which the Church possesses. If we might venture two remarks on such a matter, we would say, first that our wisdom will be, especially in so anxious a matter as that last on our list, to act with unanimity. How decided soever happens to be our individual view of the requirements of the case *per se*, it is of the utmost consequence that we should “consider one another,” wait for one another, and not seek to force on our remedies prematurely, at the risk of irritations and heartburnings amongst our brethren before they have come to share our convictions. Secondly, we presume to suggest that we should not after all place too much reliance on fundamental Church reforms, nor build our expectations too fondly upon them, so as to lose sight of the grand importance of turning such instruments as we possess to the very best account. Anomalies and imperfections will cling to us to the last, and while we do our utmost to mitigate these as opportunities occur, we need not feverishly spend our whole energies in devising ambitious schemes to make us theoretically faultless and end our trials. We may be hoping too much even from Church reform. Let the spirit of improvement be all-pervading amongst us, and measures of reform will come in time. Wisely did an earnest Church reformer lately say—“I do not suppose that all that is required in the way of Church reform can be done in a day. I have long since given up the idea that Church reforms can be effected *per saltum* or at a bound.” These words were said at an influential meeting, comprising men of many shades of opinion; and the speaker added, “But I do believe that when the work of Church reform is taken in hand by such a large number of intelligent men as I see in this room to-night, a great step has been taken

towards attaining the object." \* Here was an omen of good ; for while it was a sign of patience, it showed no less an unflagging aim in the right direction. Human nature however, when it really desires not destruction but renovation, is undoubtedly more prone to shrink from the difficulties than to grapple with them, under the plea that the time does not suit. The time never does suit the unready. The time is always come if men could but see eye to eye. It is to *this* point we must direct our endeavours. If we should not expect every thing from those reforms that we can devise, we should be ever seeking all the improvement that is practicable. With such a disposition Churchmen will fervently respond to some other words uttered on this occasion by one well entitled to speak them : " Is our Church founded on a rock, or placed on the sand ?—built as of loose stones or as a house of cards, of which if you pull out one down comes the whole ; or fitly joined and compacted ?—a parasite of the State, or self-rooted ? If in aught needing improvement, is she as the sickly and sinking patient who dies under an operation, or as one of strong constitution who is all the better for it ? We know the answer given by the enemies of the Church to these questions ; but to their assembly I am not united, and their reply is not mine." †

#### SECT. XC.—APPEAL TO NONCONFORMISTS.

Would it then be too fond a hope to indulge that such language as we have been quoting may find a response even among many who are separated from the communion of the Established Church ? Are not these times such as to warrant our inviting the " enemies of the Church " to relent in their hostility, and regard with a generous eye the earnest efforts which her sons are making to place this noble institution in a position to effect the utmost good to our beloved country ? Never was there a time, we verily believe, when the members of the Church of England were so ready to remove all just cause of bitterness and separation. We know indeed that the language sometimes

\* Canon Ryle at the Church Reform meeting, February 15th, 1872.—*Record*, Feb. 19th.  
† Lord Lyttelton.—*Ibid.*

proceeding from among us towards dissentients is not what becomes us; but we well know that a disposition to repudiate all such courtesy, and a disposition to conciliate, dwells largely among us also. We are not afraid to assert that as we look around we find the general tone of our most respected, most popular, and most truly representative Churchmen, clerical and lay, to be courteous, respectful, liberal, towards the brethren who are separated from us; and for this reason not the least, that we are ready to admit our own fault, and the fault of our predecessors, as having largely (though not entirely) been the cause of schism in the body of Christ in this country. Not since the days when Richard Hooker penned those gentle words commencing, “At your hands, beloved in our Lord and Saviour Jesus Christ,”\* and too well known to require citation, has the bearing of the E<sup>st</sup>ablished Church, if it can be measured by the bearing of all that is truest and greatest within her, been so considerate as now. Notwithstanding that, as we must needs admit, the spirit of some of the most conciliatory of men is deeply moved on witnessing assaults they consider unprovoked and unchristian levelled against a Church which has gathered up all the tenderest associations of their lives’ history, those words of defiant and bitter sectarian reproach once so prevalent are not common now. We wish to be cautious and speak only in the comparative degree. But is not even this much to say in days when temper is so ardent on both sides, and theological theories run into such provoking extremes? Of course it might be said that an altered relative position in the country and a sense of danger has subdued our tone. But even if this were so, it is not to our discredit. We believe the reason is not by any means that the spirit of the old Church is cowed. The spirit is there still, and the courage shows no sign of blenching, but it is more chastened and Christianised than it used to be. Men are grown more candid in controversy, and ready to see their own faults; more liberal, and ready to see an opponent’s excellencies; more generous, and ready to terminate a long and useless quarrel.

We appeal then to such as are conscious of enmity and of a

\* ‘Ecclesiastical Polity,’ opening section of Preface.

destructive desire towards the Church of England, and are not of the ranks of infidelity, to pause and forbear. Is there, we might ask, no tenderness due from English Christians, to an institution which, to say nothing of its being so twisted in with all our history that it will and must be studied by every generation of our children while the country lasts, has been, with all its imperfections, the vehicle of handing down in this land the Christian name for twelve hundred years; which has brightened some periods of our annals at all events, if it has darkened others; which breathes in all its documentary standards the purest breath of the great Reformation, and remains a trophy of that epoch such that the world at this day does not contain a nobler, when other trophies of it, once noble too, lie fallen in the dust? If those whom we are addressing have deep and ineradicable objections or prejudices against the principle of an Established Church, in spite of all the endeavours made in these days to set this principle in its right light and defend it by appeal to Holy Scripture, to history, and to fair reason; will they reflect nevertheless that in this world no institution is theoretically perfect however practically valuable may be its work, and that no institution however theoretically pure does its work perfectly? Upon this consideration we entreat them to have patience with us, and to trust that the Church which we love so much, which we are seeking so ardently to improve that it may be more worthy of their approbation and more successful in its great evangelising efforts, may yet, though in their view in very indefensible relations with the civil State, be doing a work which deserves the sympathy of good men. We entreat them to reflect that in a matter of theory men of equal weight have come to opposite conclusions, and if unerring wisdom were the umpire it might turn out after all that we have as much truth on our side as they on theirs (71). We implore them then on the ground of our common Christianity to give us their good wishes instead of their enmity; and if it is possible for them to do so, to give us their help in improving the efficiency of the Church in every possible way; so that any of those theoretical faults planted in our constitution by so venerable a hand that it is often very

difficult to eradicate them satisfactorily, may be partially remedied perhaps by public measures, at all events reduced to their minimum of mischief by the cultivation of good sense and a right spirit. We hope this is not asking too much; for men will sometimes do their best to improve an instrument which they believe to be radically defective, so as to do the greatest amount of good with the least amount of harm. In the work of secular legislation too, men of frank and disinterested temper will do all they can to turn to the best advantage in committee a measure of which they have in the lobby disapproved the principle. We ask such treatment at their hands, for the good of our common country and our common Christianity (75).

As to the others among our Nonconformist brethren whose respect, sympathy, and good wishes we already possess, and which we highly value, we ask them not to keep aloof from our communion, if they can find a way of fairly overcoming their scruples. We are aware that it will never be possible to obtain anything like religious uniformity. All experience is against it. Nor can we think that it is even advisable so long as radical differences exist, that there should be no outward expression of them. It is far healthier that there should be nonconformist communions if there are insurmountable nonconformist views. But it is surely the interest of the general Christian cause that nonconformity should prevail to the least possible extent. Are we suspected of saying this for the exaltation of one special body? We trust not. If we know ourselves it is not so. But we think it of grand importance that all the Christianity of England should as far as practicable be collected in one camp, in its warfare with the dangers of the day. And we think that as such a noble provision exists in this country for the advance of the cause of Christ, it should be participated in by as many as possible, not only for their benefit and comfort, but to give it an additional security in perilous days like these. A time was when the whole of the nations of Christendom had their patrimonies originating like ours. But now how many have lost them in the wreck of revolutions! In Great Britain Church property survives still, that noble inheritance of the poor. If it were all swept away, the rich could recoup much of it again for themselves; but what

is now available, and far too insufficient, for the poor would be but partially replaced ; and the replacement would be greatly at the expense of all those grand missionary efforts abroad which is one of the glories of British Christianity. It is for this that we desire to have an Established Church well supported and popular and beloved. It is not for the mere exaltation of an episcopal communion. We almost dare to avow a sentiment that, good and scriptural and apostolic as we believe the episcopal form of Church government to be, and the best in every sense, we would rather see some other communion in the position of an Established Church than none at all. Here we think we are in the spirit of those words of wisdom that still breathe, surely for this generation, from the pen of the great statesman whom we have before quoted—perhaps too copiously—but we know of no fitter conclusion to this our humble attempt to speak on so grand a theme.

“ I wish to see the Established Church of England great and powerful ; I wish to see her foundations laid low and deep, that she may crush the giant powers of rebellious darkness ; I would have her head raised up to that heaven to which she conducts us. I would have her open wide her hospitable gate by a noble and liberal comprehension ; but I would have no breaches in her wall ; I would have her cherish all those who are within, and pity all those who are without ; I would have her a common blessing to the world, an example if not an instructor to those who have not the happiness to belong to her ; I would have her give a lesson of peace to mankind, that a vexed and wandering generation might be taught to seek for repose and toleration in the maternal bosom of Christian charity, and not in the harlot lap of infidelity and indifference. Nothing has driven people more into that house of seduction than the mutual hatred of Christian congregations.” \*

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“ O LORD, WE BESEECH THEE, LET THY CONTINUAL PITY CLEANSE AND DEFEND THY CHURCH ; AND BECAUSE IT CANNOT CONTINUE IN SAFETY WITHOUT THY SUCCOUR, PRESERVE IT EVERMORE BY THY HELP AND GOODNESS ; THROUGH JESUS CHRIST OUR LORD. AMEN.”—*Collect for the Sixteenth Sunday after Trinity.*

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\* Speech on a Bill for the Relief of Protestant Dissenters, 1773. ‘Works,’ vol. vi. p. 112. Rivington.

## NOTES AND ILLUSTRATIONS.

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1. (p. 2.) *Church and State conflicts abroad.* — It should be remarked, however, that an eminent statesman is disposed to view the agitated state of continental opinion as likely to do the cause of the Church of England no ultimate damage. Speaking on Mr. Miall's motion on July 2nd, 1872, Mr. Gladstone remarked : “There is no doubt that circumstances have occurred in connexion with the organization of the Church of Rome in particular, which have given an impulse more or less in other countries to the cause which my hon. friend has in hand. I am very doubtful whether they have had a similar effect in this country. I am very doubtful whether they may not have produced a reaction in the minds of the people of this country, who rather shrink from the contemplation of what they have been witnessing as a whole abroad, and who may be supposed to attach an additional value to what they possess with all its drawbacks, owing to the experience through which they see other nations passing in matters of religion.”—*Times, July 2nd.*

2. (p. 2.) *Church and State in Switzerland.* — The reference is to Canton de Vaud, in 1845. The Council of State issued an order that the clergy of the National Reformed Church should read from their pulpits on Sunday, August 3rd, in the course of divine service, a proclamation in defence of the revolution of the preceding February, and of the subsequent conduct of the government. Many obeyed, but about forty-eight refused, and though the latter were tried and acquitted by their ecclesiastical superiors, the government, on Nov. 3rd, suspended above forty of them from the exercise of their ministry, justifying this step by the law of 1839. This law gave the Council of State, as government asserted, a right to enjoin the reading of its proclamations from the pulpit, a right having its origin in the union of Church and State, and flowing from it, the National Reformed Church being guaranteed by the constitution, protected and paid by the State, governed by its laws, and consequently subordinate to the State. The Council of State asserted also that by the law of 1839, it had the right of occupying the pulpit by its agents for the purpose of reading its proclamations, failing the pastor or other authorised person,—a right inherently belonging to it.

In consequence of these and some other extraordinary claims of the government, a General Assembly of the Church of the Canton was held on Nov. 11th and 12th, and out of 250 ordained ministers of the Canton, 200 signed an act of demission and formed them-

selves into a Free Church. An account of these proceedings will be found in the *Witness* newspaper, Nov. 22nd, 26th, 29th, 1845.

3. (p. 3.) *Opinions on Establishment.* — The discussions that arose out of the “Disestablishment” of the Irish Church during the years 1868 and 1869, brought out many opinions, old and new, as to the meaning of establishment and disestablishment, on the hustings, at public meetings, in the press, and in Parliament. It was then found how few were agreed and how little was settled as to the precise standing of an established church, and as to the real fundamental change which the Bill was to make upon the Church of Ireland. To show that this is no exaggeration, we quote some remarks made by eminent men who were watching with the deepest interest all that was passing. At the Church Reform meeting in St. James’s Hall, Feb. 15th, 1872, Dean Stanley said: “The word Disestablishment . . . covers a great many conflicting opinions.” At the great Church and State meeting, in the same place, on May 6th, 1868, the present Archbishop of Canterbury (then Bishop of London) observed: “A vast number of persons, somehow or another, are committed in words to the disestablishment and disendowment of the Irish branch of the United Church. You meet them in society; you meet them in the streets; you listen to their speeches, and you ask them what they mean; and whether it be their stupidity or ours, I confess it is impossible to understand really what they mean. I hold, therefore, that those high-sounding words which flow so glibly from the tongue require to be logically examined and defined.” The Archbishop of York said: “I profess myself, with my right rev. brother, unable to understand at this moment what this proposed ‘disestablishment and disendowment’ of the Irish Church really is. . . . Like my right rev. brother, I have listened with the greatest care, and have read with care, what has been written, to see what ‘disestablishment’ means.” — *Standard.*

4. (p. 6.) *The legal establishment of the Church of Scotland in the reign of William and Mary.* — While the circumstances of the original establishment of the Church of England have to be investigated in remote history, the establishment of the Church of Scotland is quite recent, and every step of it may be studied in the ninth volume of the Acts of Parliament of Scotland. This is a fact of no little importance in an inquiry like that we are now pursuing, and we shall therefore take a survey of the principal proceedings.

A long and dubious struggle between the presbyterian and episcopal systems, with alternate successes, marks the history of the Church in Scotland from the date of the Reformation. During the period of the Civil Wars and the Commonwealth the presbyterian clergy were in possession of the benefices, but like their brethren in England they were ejected at the Restoration. This exclusion lasted till the end of James the Second’s reign, and at the Revolution

commences the actual history of the Kirk as at present by law established.

The Declaration agreed to by the Scottish Parliament, on April 11th, 1689, offering the crown to William and Mary, contained the clause, "That prelacy and the superiority of any office in the Church above presbyters is and hath been a great and insupportable grievance and trouble to the nation, and contrary to the inclinations of the generality of the people ever since the Reformation (they having reformed from Popery by presbyters); and therefore ought to be abolished."

Accordingly on July 22nd (after William and Mary had received the Scottish crown) was passed the "Act abolishing Prelacy," which declared prelacy and all superiority of any office in the church above presbyters abolished. This merely abstract declaration, however, required other measures to make it operative: actual prelates had to be got rid of or converted, and a provision to be made against any successors.

There was therefore passed, on April 25th, 1690, the "Act restoring the Presbyterian ministers, who were thrust from their churches since the 1st of January, 1661," *i.e.*, for reinstating those who had been ejected for Nonconformity at the Restoration. It enacted that, forasmuch as many ministers of the Presbyterian persuasion since January 1st, 1661, had been deprived of their churches or banished for not conforming to Prelacy, all of those ministers who were yet alive should have free access to their churches for the exercise of their ministry, and also to their manses and benefices. The result of this measure was that the kirk now consisted of both parties at once; but this was only with a view to the ultimate object, an expedient to give the Presbyterians a *locus standi*, and furnish them with the means of co-operating with the State in placing them in exclusive possession.

The next step then was to draw up a Confession of Faith, embodying the Presbyterian doctrine and discipline, in which of course the restored ministers had the principal hand. On May 26th, 1690, this document was read and considered word by word in the presence of their Majesties' High Commissioner and the Estates of Parliament, and being voted and approved, was ordained to be recorded in the books of Parliament.

The series of measures at length culminated in the great establishing Act, passed June 7th, 1690, entitled an "Act ratifying the Confession of Faith, and settling Presbyterian Church Government." We shall quote copiously from it, for it is impossible not to get a clear idea of what was done in the process of "establishing" from the language of this Act. It suggests nothing abstruse or recondite to elude the grasp of ordinary intelligence, and set it upon hunting for definitions. It gives possession of churches, manses, and endowments to Presbyterian ministers adhering to a certain specified Confession of Faith, with power to eject or refuse all who decline the standard. It declares that their Majesties, with the advice and con-

sent of Parliament "ratify and establish the Confession of Faith now read in their presence, and voted and approved by them as the public and avowed Confession of this Church, containing the sum and substance of the doctrine of the reformed churches, which confession of Faith is subjoined to this present Act: as also they do establish, ratify, and confirm the Presbyterian Church Government and Discipline; that is to say, the government of the church by kirk-sessions, presbyteries, provincial synods, and general assemblies." The Act declares, "that the church government be established in the hands of, and be exercised by, those Presbyterian ministers who were ousted since the 1st of January, 1661, for nonconformity to prelacy, and now restored by late Acts of Parliament, and such ministers and elders only as they have admitted or received, or shall hereafter admit or receive, and also that the said Presbyterian ministers have, and shall have, right to the maintenance, rights, and other privileges by law provided to the ministers of Christ's Church within this kingdom, as they are, or shall be, legally admitted to particular churches." The Act then proceeds: "Their Majesties do hereby appoint the first meeting of the General Assembly of this Church as above established, to be at Edinburgh the third Thursday of October next to come in this instant year, 1690. And because many conforme" (i.e., Episcopalian) "ministers, either have deserted, or were removed from preaching in their churches preceding the 13th of April, 1689, and others were deprived for not giving obedience to the Act of the Estates made the said 13th of April, 1689, entitled 'Proclamation against the owning the late King James,' and appointing public prayers for King William and Queen Mary, therefore their Majesties, with the advice and consent aforesaid, do hereby declare all the churches, either deserted, or from which the conforme ministers were removed or deprived, as said is, to be vacant; and that the Presbyterian ministers exercising their ministry within any of these parishes (or where the last incumbent is dead), by the desire or consent of the parish, shall continue their possession, and have right to the benefices and stipends according to their entry in the year 1689, and in time coming, ay, and while the Church is now established take further course therewith. And to the effect the disorders that have happened in this Church may be redressed, their Majesties, with the advice and consent foresaid, do hereby allow the general meeting and representatives of the foresaid Presbyterian ministers and elders in whose hands the exercise of the Church government is established, either by themselves or by such ministers and elders as shall be appointed and authorised visitors by them, according to the custom and practice of Presbyterian government throughout the whole kingdom and several parts thereof, to try and purge out all insufficient, negligent, scandalous, and erroneous ministers by due course of ecclesiastical processes and censures, and likewise for redressing all other church disorders; and further it is hereby provided, that whatsoever minister being convened before the said general meeting and representatives of the Presbyterian

ministers and elders, or the visitors to be appointed by them, shall either prove contumacious in not compearing, or be found guilty, and shall be therefore censured, whether by censure or deposition, they shall *ipso facto*, be suspended from, or deprived of, their stipends or benefices."

5. (p. 7.) *Dr. Chalmers on Establishment.*—The view of Establishment taken in this essay is confirmed in all essential particulars by the high authority of Dr. Chalmers, though the author had arrived at his conclusions before consulting that distinguished writer, and without knowing his sentiments. In his 'Lectures on the Establishment and Extension of National Churches,' delivered with such prodigious applause in Hanover Square Rooms, from April 25th to May 12th, 1838, he has the following remarks:—"We should assume then as the basis of our definition for a religious establishment, or as the essential property by which to specify and characterise it, a sure legal provision for the expense of its ministrations. It is a question merely of nomenclature or of definition, and not of doctrine, wherewith we are at present engaged. Our single attempt at this moment is not the statement of our belief but the settlement of our language, that there might be a clear and common understanding of the terms used by us in the course of our argument. We are not saying at present whether the legal establishment of religion be a good or a bad thing; we are only telling what we understand such an establishment specifically to be, and saying that wherever we have a certain legal provision for the ministrations of Christianity, there we have an Establishment of Christianity in the land. It is this which forms the essence of an Establishment, and as such must be singled out from among all other accessories wherewith it may happen to be variegated." Chalmers proceeds to argue that the legal provision which he speaks of may be of more kinds than one, as annual grants from the State, an ancient single grant capitalised, private benefactions of individuals, which the State secures to the object for which they were bestowed. "To realise our idea of an Establishment, it is enough that there be legal security for the application of certain funds to the maintenance of Christian worship or Christian instruction in a country, and this in whatever way these funds may have originated."—Pp. 17—20. It should be here added that the present Archbishop of Canterbury has on more than one occasion—namely, at the St. James's Hall meeting, on the 6th of May, 1868, and in his Charge in the autumn of 1872, emphatically directed attention to these lectures of Dr. Chalmers, as propounding, in his Grace's opinion, the just idea of the meaning of the term Establishment.

6. (p. 7.) *Established Churches in France.*—The history of the establishment of two churches in France yield as much instruction as that of the Scottish Kirk, and supplies additional illustration of the view of Establishment maintained in this essay. On this account

we present to the reader's attention the chief facts, gathered out of Alison's 'History of Europe,' (Ch. xxxv.) ; Felice's 'History of the Protestants of France,' and an article in the 'Contemporary Review,' by Pasteur F. G. Wheateroff, March, 1868. The 'Cambridge Essays' of 1856, include one on this subject by Mr. W. H. Waddington.

The French Revolution being about six months old, a decree was passed on November 2nd, 1789, for the sale of the property of the Church. Here was a true disestablishment, for it was absolute disendowment. In November, 1793, a further decree prohibited all public celebration of religious worship. An awful state of national atheism ensued for about a year and a quarter, when, on February 21st, 1795, another decree authorised the exercise of public worship at the expense of those who chose to contribute towards it. A few dilapidated churches that were wanted for no other purpose were placed by the authorities at the disposal of the impoverished priests who came forward to resuscitate the dying religion of France. Shortly after this, Bonaparte rose to the head as First Consul. His object being to bring order out of chaos and to govern, his attention was at once directed to the state of religion. He argued : "It is absolutely indispensable to have a religion for the people, and that that religion should be directed by the Government. At present, fifty bishops, in the pay of England, direct the French clergy ; we must destroy their influence. The clergy will exist as long as the people are imbued with a religious spirit, and that disposition is permanent in the human heart. We have seen republics and democracies ; history has many examples of such governments to exhibit, but none of a State without an established worship, without religion, without priests. Is it not better to organise the public worship and discipline the priests than to leave both entirely emancipated from the control of the State ? At present the clergy openly preach against the republic because they experience no benefit from it. Should we transport them ? Unquestionably not. For what alone constitutes their authority in the wreck of their fortunes is the fidelity with which they adhere to the church of their fathers, and that will be increased rather than diminished by all the sufferings they undergo."

Accordingly negotiations were opened with the Pope, and on July 15th, 1801, was signed by the two powers one of those treaties of alliance technically known as Concordats, which passed into a law of France on April 8th, 1802. This treaty declared the Roman Catholic religion to be that of the French people. Ten archbishops and fifty bishops were to be appointed by the First Consul, and salaried out of the public revenue. The parish priests, nominated by the bishops, and approved by the Government, were to be paid from the same source. The churches which had survived were placed at the disposal of the bishops. Residences for the clergy were to be provided at the public expense, and the churches were to be repaired in the same manner. Other articles stipulated certain limitations as to the publication of bulls, the authority of legates,

and the holding of synods. Thus, after a period of about twelve years of disestablishment, was the Roman Catholic Church re-established (but on very different footing) in France, and this settlement in all essential features remains to the present day.

Let us now compare with this a parallel history, the establishment of the Reformed Church in France. After the Revocation of the Edict of Nantes, in 1685, the Protestants were deprived of toleration and had no legal existence. A century of persecution which followed almost annihilated their Church, and no traces were left of its ancient presbyterian order, its synods, and its general assemblies. In 1787, two years before the outbreak of the Revolution, French Protestants obtained an Edict of Toleration ; but in 1793, when all religious worship was abolished, they shared the calamity of the times with the Roman Catholic disestablished Church. The decree of Feb. 21st, 1795, permitted Protestants as well as Roman Catholics to celebrate public worship at their own expense. On April 7th, 1802, the day before Bonaparte's Concordat with the Pope passed into law, a decree was made for endowing Protestants. This measure originated with Bonaparte himself, anxious to secure authority over Protestants and Romanists alike. It was in effect a Concordat with the Protestants, a term actually employed by French pastors themselves in reference to this event, only it could not be in the same form, there being no responsible and recognised head to sign such a compact on the Protestant side. The term "alliance" likewise is used to describe it : "This alliance between the Reformed Church and the Government of Bonaparte," writes Pasteur Wheatercroft.

Another remarkable circumstance meets us in this history. When the Roman Catholic Church was re-established by the Concordat, its internal order, hierarchy, organisation, and all that made it a Church, were already existing. With the Protestants it was otherwise ; their ancient régime had disappeared, and they were but a shapeless fragment. The work of reconstruction, therefore, became necessary, and the reconstructor was no other than Bonaparte himself, who took the matter entirely into his own hands, with a view to place the Reformed Church in complete dependence on the State. It seems hardly too much to say, and in saying it we hope we shall not be thought wishing to breathe an unmerited reproach on French Protestants, that Bonaparte *created* this Church. He mapped out the whole of France into districts, which he named consistories, each containing about 6000 Protestants, and those who paid the highest taxes had the election of ministers, subject to the ratification of the State. A National Synod was placed at the head of this organisation, but it could not meet without the sanction of the State, and this sanction was in fact never given. Thus the Reformed Church became naturally much more a department of the State than a distinct spiritual body. Not only was it practically without a head, but it had no recognised doctrine. No Confession of Faith, and no formularies were acknowledged by the Government as representing the principles of the Church.

Such then were the two Established Churches of France in the days of Napoleon. Mere engines of government he intended them to be, and one instance of his exercise of authority over them will illustrate this. On Feb. 19th, 1806, he being then emperor, instituted two fêtes, one for his birthday, the other for his coronation, and the decree ordaining them said, "A discourse shall be preached in the churches and in the places of worship by a minister of religion, upon the glory of the French armies and the duty of citizens to consecrate their lives to their sovereign and country."

In March, 1852, Napoleon III. made a change in the Protestant Established Church, wishing to break up the power of the old Consistories, composed as these were of the highest bourgeois, deeply attached to the Protestant mother of the Comte de Paris, and the centres of Orleanism through France. He ordered the formation of smaller districts, and the re-establishment of parishes as they existed in ancient times, having their local councils, or what in Scotland would be called kirk-sessions. This was so far a boon. But still the National Synod was needed to give some unity to the Church, especially in the absence of recognised and legally established formularies. It could not even determine who were its real members, being bound by the new decree which gave the right of voting to all Protestants above thirty years of age who had been once to the communion, or had been once or twice at worship, or had been married at church. A meeting of the National Synod, though repeatedly solicited, was never conceded, in order to avoid a similar concession to the Roman Catholics; for French statesmen dreaded nothing so much as increasing their influence in the State. A voluntary National Assembly was held in 1848; but it was entirely non-official, the government did not recognise it, and the churches were quite free to accept its resolutions or reject them. At length, on Dec. 19, 1871, the Reformed Church of France obtained leave from the President of the Republic, M. Thiers, to convoke its Synod, which met accordingly in the following June. Every step taken in this matter indicates the usual status of established churches.

7. (p. 9.) *The Church of Ireland.*—Mr. Gladstone, on bringing in his Bill (March 1, 1869) said that its object was "to put an immediate end to the establishment and public endowment of the Irish Church." The bill created a commission, to last ten years. He stated that on the day the measure should receive the royal assent, there would no longer remain to the Church of Ireland any title whatever to its property, which would all then stand vested in the Commissioners. Whatever reservation the Act should make out of the property in favour of the Church (and the reservation would include the fabrics), would be "technically in the nature of a re-endowment." Thus, the disendowment being absolute, the disestablishment was complete. The re-endowment was a re-establishment, and not the less so because varying in some circumstances from the old condition of

things. The Irish Church, for instance, had consisted of an aggregate of corporations, without itself being a corporation. Under the Act, parochial incumbents ceased to be corporations, but a select number of the members of the Church, which the Act recognised as a Church Body, was incorporated. Formerly the fabrics and other parochial endowments had been vested in the several incumbents ; now the re-endowment is vested in the Church Body. The Act gives the title of "Church of Ireland." It also enacts (clause 20) that the old doctrine, ritual, and discipline shall continue (until altered by the Church) to bind all who enjoy the endowments restored by the Act. Can we then resist the conclusion that in all fundamental points the Church of Ireland is by law established as truly as it ever was ? Let us observe how this point has struck others.

The present Archbishop of Canterbury, when Bishop of London, said (May 6th, 1868) in his speech at St. James's Hall before referred to, "I ask whether it is really the intention of many of my most respected and excellent friends to turn the Church in Ireland adrift without any support whatever ; or whether they mean, as they say at times, that three-niths, or at other times two-thirds, or at all events that all the glebe-houses and lands attached, and the churches and the cathedrals, are to remain in the hands of what is now the Established Church. If they mean that, they had better not call it disendowment and disestablishment. *It is neither one nor the other, but a rearrangement of a state of things as it at present exists.*" It may also be mentioned that Dean Stanley, in a 'Quarterly Review' article (October, 1869) reprinted in his 'Essays on Church and State,' maintains at great length that the Church of Ireland is not disestablished. We must allow, however, that the meaning he attaches to "establishment" is not the one urged in this Essay.

But still the "disestablishing" Act of 1869 stands before us, with official language, and how is that to be met ? We believe even this difficulty is by no means insuperable. In examining the text of that statute, we find that disestablishment (which, by-the-by, is never expressed by that word, but always by "establish," with some accompanying negative), occurs only three times—once in the title, once in the preamble, once in the opening clauses ; and upon this circumstance we have something to say. But, first, let us quote the passages. The full title stands thus :—

"An Act to put an end to the Establishment of the Church of Ireland, and to make provision in respect of the Temporalities thereof, and in respect of the Royal College of Maynooth."

The preamble opens :—

"Whereas it is expedient that the union created by Act of Parliament between the Churches of England and Ireland, as by law established, should be dissolved, and that the Church of Ireland, as so separated, should cease to be established by law." . . . .

The second clause enacts, that "the said Church of Ireland . . . . shall cease to be established by law."

After thus at the threshold intimating by an express term what is desirable to be done, and what shall be done, it is a striking fact that the Act in all the rest of its seventy clauses and thirty-five pages never once returns to that term, or shows itself even conscious of its existence. It is occupied wholly with disposing of property, allowing the Church to govern itself, taking the bishops out of Parliament ; all which things would have been equally effected by the present language of the Act though the term "establish" had been absolutely omitted from it. That term, as it stands in the few preliminary lines, has in it no "business" whatever : it is unoccupied, and the actual work of the statute is done independently and in utter oblivion of it. Insulated, vague, aimless, inoperative, what has the word to do in the statute at all ? It looks a mere abstraction, without anything concrete whatever linked with it : and while the succeeding clauses are all busily dealing with hard facts, as tithes, fabrics, compensations, synods, and such like, the word "establish" is kept aloof, without application, without substance, waiting for any form, colour, or meaning that the reader, judging for himself, puts into it. As nothing depends upon it, and no work is done by it, we naturally enough do not find it in the list of terms defined at the end of the statute. Let the reader only compare all this with the establishing Act of the Kirk, or refer back to the extracts we have given from it in note 6, and mark the difference. There, the word "establish" is never employed without a decided business intention. The Confession of Faith, for example, is to be ratified and established as a standard to be adopted ; church government is to be established in the hands of a certain class of persons. The word has in it muscle and breath whenever it meets us here ; but in the English Act it stands motionless and featureless, idle as a spectre, unconnected, unowned. No wonder that, when the second clause was so earnestly debated in the House of Commons, hardly two speakers in succession agreed as to what the "establishment" there before them was, or what the "disestablishment" was to effect. No other word in the whole bill had such a graspless phantom look about it, and in truth the clause that contained it was but a fancy clause calculated for no other end than to reflect and satisfy a popular impression.

We feel therefore justified in wholly disregarding this Act as of any authority for fixing the meaning of the word "establishment." No doubt the measure did operate a momentous change for the Church of Ireland ; but that that change was "disestablishment" is quite open to question, in spite of a term to that effect introduced,—introduced in places that do not operate that change. Interpreting the word according to our own view, we affirm that the Church of Ireland by "The Irish Church Act, 1869," ceased to be established *in those possessions then taken from her* ; in the possessions restored to her she was established again, and by virtue of these she still remains a "Church as by law established."

8 (p. 13). In the reign of Stephen, a doubtful election to the see of York was referred to Rome, and there kept five years in litigation. In the reign of John a disputed election to the see of Canterbury was submitted to Innocent III. at Rome, who set aside both candidates, and made the famous appointment of Stephen Langton.

9 (p. 13). Pope Gregory XI., in 1377, "commands" the University of Oxford to apprehend Wyclif and deliver him to be detained in the safe custody of the Archbishop of Canterbury. He also commands and strictly enjoins the Archbishop and the Bishop of London to cause Wyclif to be apprehended and cast into prison, and "requires" the king to give all needful assistance in that matter. Wyclif was accordingly obliged to appear at Lambeth. The documents are given by Wordsworth, 'Eccles. Biog.', vol. i., pp. 198—209, 4th ed.

10 (p. 18). *The Church of England not created at the Reformation.*—We quote the following passage as showing how good and pious men will sometimes allow themselves to speak and write about the Church of England. The date of the work is enough to account for it. It is well known how low theological literature had reached, even among the clergy, and how scantily general knowledge was diffused among the people early in this century. Thomas Vowler Short, a young country curate on the Itchin, was distressed to find, amid all the din of the Reform agitation, how little he knew of his own Church and how poorly furnished he was for her defence, in comparison with his college acquaintance with all the sects of Greek philosophers. Resolved to mend matters, he turned to current histories. Southey's "Book of the Church" was unsatisfactory in a literary point of view to an inquiring mind, besides being "not free from such views of the subject as can never contribute to the discovery of truth." Carwithen was unattractive. His only remedy was to write for himself, and the result was, a 'History,' down to 1688, in two volumes, dated King's Worthy, April, 1832. It is a most conscientious work, and though unadorned in style, it is still (in our opinion) exceedingly interesting, from the author's clear narrative and evident desire to see truth alone. For fairness of statement and absence of all irritating tone, it is admirable. If we inquire what effect those new studies had upon the mind of such an author, he tells us that they confirmed in his heart a love and admiration for his Church, and a belief that her doctrines were such that he who ventured his eternal safety to her guidance was taking a secure path, his prayer being "that her mal-administrations may be corrected by her friends, and her deficiencies supplied by those who understand her constitution."

The 'History of Dissenters' (1808-12) is of the same unsatisfactory period (David Bogue, a dissenting minister and tutor at Gosport, died in 1825); and this will account for the ignorance betrayed in the following extract, while the bitterness of the times must have produced the style. We wish we could say that in these days of better information similar sentiments were unknown; yet we

will gratefully acknowledge the noble utterances towards a great and sacred institution which issue from the pens of individual Non-conformists every now and then, specimens of which continually find their way into pages devoted to Church defence. The example of the contemptuous sort we take from the recent past rather than from any contemporaries.

“The Church of England, in nearly her present state, was brought into existence by the creative energy of the legislative authorities of England. The knights and burgesses of the Commons House of Parliament; the temporal peers, dukes, marquises, earls, viscounts, and barons in the House of Lords; and Queen Elizabeth, the sovereign of the land, brought the Church of England into being, like Adam, full grown, with all her soul and body; but she had also her garments, her gifts, and her ornaments. Mere laymen and a lay woman were the authors of her existence. As for the spiritual peers, they refused to concur, and absented themselves on the occasion, having an earnest desire for the establishment of popery.” . . . . “Here is a parliamentary church as to its origin, a church wholly made by laymen and alterable by laymen, according to the sovereign’s pleasure. It has been attempted to represent the Church as the ally of the State; but the State is the head, the Church one of the inferior members. The Church of England is the creature of the State as much as the army, navy, the courts of justice, or the boards of customs and excise.” (Bogue and Bennett, ‘History of Dissenters,’ edit. 1833, vol. i., pp. 102—104.)

Another shall now speak to this point, a member of that same “Commons House of Parliament,” whose words and character will remind us that if a layman be too secular to meddle with the Church, neither are pastors of congregations qualified by their calling alone to touch that sacred thing, but need, sorely need, to have, besides their piety and their office, much of the knowledge, culture, and temper of Edmund Burke. This distinguished man said:—“Two honourable gentlemen assert that if you alter her symbols, you destroy the being of the Church of England. This, for the sake of the liberty of that Church, I must absolutely deny. The Church, like every body corporate, may alter her laws without changing her identity. As an independent Church, professing fallibility, she has claimed the right of acting without the consent of any other; as a Church, she claims, and has always exercised, a right of reforming whatever appeared amiss in her doctrine, her discipline, or her rites. She did so when she shook off the papal supremacy in the reign of Henry VIII., which was an act of the body of the English Church, as well as of the State (I don’t inquire how obtained). She did so when she twice changed the Liturgy in the reign of King Edward, when she then established Articles, which were themselves a variation from former professions. She did so when she cut off three Articles from her original forty-two, and reduced them to the present Thirty-nine; and she certainly would not lose her corporate identity, nor subvert her fundamental principles, though she were to leave ten

of the Thirty-nine which remain out of any future confession of her faith." ("Speech on the Acts of Uniformity," Feb. 6, 1772. "Works," vol. vi., p. 92). Twenty years afterwards he wrote: "There never has been a religion of the State (the few years of the Parliament only excepted), but that of the *Episcopal Church of England*; the Episcopal Church of England, before the Reformation connected with the see of Rome, since then disconnected and protesting against some of her doctrines, and against the whole of her authority as binding on our national Church; nor did the fundamental laws of this kingdom ever know at any period any other church *as an object of establishment*." ("Letter to Sir H. Langrishe," 1792. "Works," vol. iii., p. 309, Bohn.)

11 (p. 23). *Union and Alliance*.—Warburton attempts no distinction between the words Union and Alliance, but employs them indiscriminately; Alliance the oftenest. Mr. Gladstone also in his "Church in Relation to the State," uses the words interchangeably. Mr. Baptist Noel, in the work he wrote on his secession, invariably used Union.

12 (p. 23). *Definitions of a State*.—Burke writes: "In the word State I conceive there is much ambiguity. The State is sometimes used to signify the whole commonwealth, comprehending all its orders, with the several privileges belonging to each. Sometimes it signifies only the higher and ruling part of the commonwealth, which are commonly called the government."—"Works," vol. iii. p. 302.) Mr. Baptist Noel appears to have seen no ambiguity. "By the word State I mean the governing power in the nation, including the legislative and executive powers. In our own country the executive power is lodged with the crown and the ministers; the legislative power belongs to four bodies—to the Crown, the House of Lords, the House of Commons, and indirectly to the Constituency."—"Union of Church and State," p. 10.)

Louis Quatorze, in his famous "L'État c'est moi," felt no ambiguity either. We presume there can be no conciser definition than that. The most elaborate and eloquent that we have seen is one by Mr. Gladstone, who writes as follows:—"If we take in succession the terms, a multitude, a people, a nation, a state, we rise by progression from a mere *juxta-position* of units to a complete and moral organisation. When we speak of a multitude, we indicate mere number; when we speak of a people, we separate the governed from the governors; when we speak of a nation, we contemplate them together, but we merge the governors in the governed; when we speak of the State, we contemplate the same personal subjects, but wholly and singly in respect of their partnership in the national life and order, not as individuals, but as constituents of the active power of that life. We contemplate those who administer affairs, those who compose the legislative body, those who bear office, those who possess franchises, those who pay tax,—in short all who may in any

way contribute to make up the organised body: that is to say, all absolutely, but each simply in respect of his entering, according to his measure, into its mechanism: and the term regards them with degrees of more or less, according as their capacity therein is more or less comprehensive or efficient. And together with that fluent body of individuals which is permanent only by succession, the term State includes those fixed laws and traditional institutions to which they give effect, through which the national character is sustained and propagated, and which, comparatively secure from the storms of passion and the devouring rest and math of selfishness, become for the most part the depository and the safeguard of the best, purest, and truest portions of the communal life. As then the nation is the realized 'unity of the people,' so in the State is that unity made vital and active. The State is the self-governing energy of the nation made objective. Where monarchy prevails, it is generalised and represented in the person of the sovereign, himself an integral portion of this realized unity. Through his will the mind of the State is made effective and becomes action: and the executive power which he impels throughout is the national life or organ of the State, as the State is of the nation."—('Church and State,' p. 77, 4th edit.)

We must bear in mind that when we have mastered the idea of State, there still remains the problem of its union or alliance with the Church: and furthermore that this has to be made extremely plain to the minds of the mass of the people.

13 (p. 23). *Church*.—The term has in fact been so used by able popular authors, who yet were far enough from meaning to identify the whole Church with the clergy. Dr. McNeile writes:—"It will be found to simplify such discussions very much if, instead of using the indefinite terms Church and State, as entering into any union or as possible to be disunited, we adopt the specific terms which designate the executives of the two bodies, and speak of the clergy and the government. What I now proceed to prove is that there must be some union, or relation, or alliance, or compact (call it what you will), entered into between the clergy of the Church and the Government of the country."—('Lectures on the Church,' 1840, p. 118.)

Mr. Baptist Noel:—"The union between the Church and the State of which I have to speak is . . . . the definite union between the Church and the Government which arises from a national payment of the pastor and the consequent superintendance of him by the State."—('Union of Church and State,' p. 11.)

14 (p. 24). *Concordats*.—As the example of an actual Concordat will place this in a clearer light, and such documents are not very common, we make the following extracts from one accepted within recent memory by the Austrian Empire. A translation of it was furnished by the *Times* correspondent, and it may also be found in the *Ecclesiastical Gazette* for January 8, 1856. It commences:—

“Convention between His Holiness Pope Pius IX. and His Imperial Royal Apostolic Majesty Francis Joseph I., Emperor of Austria. Signed at Vienna on the 18th of August, 1855, and the ratifications exchanged in the same city, on the 25th of September, 1855.

“In the name of the Most Holy and Indivisible Trinity: His Holiness Pope Pius IX. and His Imperial Royal Apostolic Majesty Francis Joseph I., Emperor of Austria, have determined to conclude a solemn treaty determining the position of the Catholic Church in that Empire.”

The treaty consists of thirty-six articles, minutely stipulating in regard to laws, courts, education, matrimony, privileges, protection, &c. &c. The following article is brief enough to be quoted as a specimen, besides containing a most important concession, and a most perilous one, to a foreign potentate.

“Art. 2. As the Roman Pope has by Divine law the primacy of honour and jurisdiction through the whole pale of the Church, the direct communication between the bishops, the clergy, the people, and the papal chair, in all spiritual and clerical matters, is a necessity. This communication has not, therefore, to depend on the ruler of the country, but is to be completely free.”

The document calls itself a “Convention;” but it is termed a “Concordat” as well as a “Convention” in the Imperial Patent which accompanies and promulgates it. The latter expresses itself thus:—

“It has continually been our aim to renew and strengthen the moral foundations of social order, and to further the happiness of the nation under our rule. We have therefore considered it a sacred duty to bring the relations between the State and the Catholic Church into accord with the laws of God and the well-understood interests of our Empire.”

15 (p. 27). *Theories of Society and of Church and State.*—It may be useful to trace some of the modern history of this species of theorising. In 1651, at a great constitutional crisis, Thomas Hobbes published his ‘Leviathan,’ under which name he treated of “the Matter, Form, and Power of a Commonwealth, ecclesiastical and civil.” In Ch. xvii., ‘Of the Causes, Generation, and Definition of a Commonwealth,’ he argues that the generation of a Commonwealth is by agreement of the multitude to transfer their own individual power and strength on one man or on an assembly of men. This he describes as “a real unity of them all in one and the same person, made by covenant of every man with every man, in such a manner as if every man should say to every man, ‘I authorise and give up my right of governing myself to this man or this assembly of men, on this condition, that thou give up thy right to him and authorise all his actions in like manner.’ This done, the multitude so united in one person is called a Commonwealth, in Latin, *Civitas.*” Of this civil head thus invested he adds:—“And in him consisteth the essence of the Commonwealth, which, to define it, is ‘One person, of

whose acts a great multitude by mutual covenants one with another have made themselves every one the author, to the end that he may use the strength and means of them all, as he shall think expedient, for their peace and common defence.' " In Chapter xviii. Hobbes discusses at length the mutual relation of sovereign and people by virtue of this covenant, the mention of which word is very frequent. We have given these quotations in order to illustrate Hobbes's method of dealing with his subject. The " multitude " and the " mutual covenants " have no pretension to be historical : the process he describes is all imagination and theory, a pure hypothesis, on which he does not hesitate to found the fundamental laws of civil society.

In 1680, Sir Robert Filmer published his 'Patriarcha, or the Natural Power of Kings,' in which he combated the tenet that mankind is naturally born with freedom, and that the power of a sovereign was at first bestowed according to the discretion of the multitude. This is in direct contradiction to Hobbes, upon whom he also makes some special observations, controverting his views about the " covenant." The political ideas afloat caused great attention to be paid to this work, and the burning questions of regal absolutism and popular liberty grew to be debated on the ground of theories of the social system.

In 1689, Filmer was answered by John Locke, in his 'Two Treatises of Government,' in the 8th chapter of which ('Of the beginning of Political Societies') he argued in a similar manner to Hobbes ; only what the latter called a covenant, Locke termed an " original compact," which term became the current one to describe this theory. Locke did not pretend, any more than Hobbes, to find an historical origin for this compact, but argued that such was not to be expected, as history gives very little account of men that lived together in the state of nature. The editor of the fourth edition of Locke's works gives 1689 as the date of the 'Two Treatises' ; but to shew that the idea of covenant or compact was popular about that period, we have only to recollect the terms of the resolution of the Commons on January 28th, 1689, declaring the throne vacant. Perhaps Filmer's 'Patriarcha' especially determined them to use the phraseology they did.—" That King James the Second, having endeavoured to subvert the constitution of the kingdom *by breaking the original contract* between king and people, and by the advice of Jesuits," &c.

It is very instructive to bear all this in mind when coming to Warburton's publication in 1736, entitled 'Alliance between Church and State, or the Necessity and Equity of an Established Religion and a Test Law demonstrated from the essence and end of civil society, upon the fundamental principles of the law of nature and nations.' The title warns us what we are to expect.

His argument is, that as the care of the State extends only to the body and its concerns, and the care of the Church only to the soul, it necessarily follows that " the civil magistrate, if he will improve this natural influence of religion by human art and contrivance,

must seek some *union or alliance* with the church." And as each society is sovereign and independent of the other, it necessarily follows that "such union can be produced only by *free convention and mutual compact*." This union produces a *Church by law established*.

He then inquires, "What those motives were which the state had of seeking and the church of accepting the offers of an union; and what are the mutual benefits and advantages thereby gained." The state's motive in seeking was threefold: (1) to preserve the essence and purity of religion; (2) to improve its usefulness, and apply its influence in the best manner; (3) to prevent the mischief that, in its natural independent state, it might occasion to civil society. The church's motive for alliance was security and protection from outward violence. He proceeds further to argue that "the great preliminary or fundamental article of the alliance is this, that the Church shall apply all its influence in the service of the State, and that the State shall support and protect the Church."

Though he talks of motives and offers, preliminaries and articles, as if narrating a modern concordat, Warburton does not pretend to be treating his subject historically. It is again pure theory. He must systematise for church and state on a hypothetic basis just as Hobbes and Locke had done for king and people, and so we have a fictitious "alliance," as we had a fictitious "covenant" and "compact;" and burning questions are consequently being again fought out in the mischievous language of imagination and invention.

16 (p. 29). *Royal Supremacy*.—One circumstance alone shews how little the subject was actually cleared up by the exhaustive discussions it had undergone in the House of Commons. When Lord Granville brought the bill into the upper house, and it became necessary to enter upon the same topic there, his Lordship, after stating his own opinion, felt that it was quite as likely as not that his hearers would be holding just the opposite view. We shall have occasion to quote this part of his speech further on (Note 29).

17 (p. 30). 'Middle Ages,' vol. ii., pp. 1, 25, 30; 8th edit., 1841. For convenience of reference we here give the following names and dates. Innocent III. (1198—1216), Boniface VIII. (1294—1303). Between these popes came Honorius III., Gregory IX., Celestine IV., Innocent IV., Alexander IV., Urban IV., Clement IV., Gregory X., Innocent V., Adrian V., John XX. or XXI., Nicholas III., Martin IV., Honorius IV., Nicholas IV., Celestine V. The English kings during this period were—John (1199—1216), Henry III. (1216—1272), Edward I. (1272—1307).

18 (p. 30). *The Oaths to King and Pope*.—The oaths are given in Burnet, 'Hist. Ref.' vol. I. p. 207, Oxf. edit., 1865. Professor J. J. Blunt sums them up thus: "Nothing less was required of a bishop than to swear allegiance to two masters who had no two interests in

common,—to the Pope, that he would from that hour forward be faithful and obedient to St. Peter and to the holy church of Rome, to my Lord the Pope and his successors; that they should suffer no wrong by any means with his advice, consent, or connivance; that their counsel he would not discover; their regality he would help, maintain, and defend against all men; their rights, honours, privileges, authorities, he would augment and promote: and any designs against the same which came to his knowledge he would resist and denounce:—to the king, that he would thenceforward utterly forsake all clauses, words, sentences, grants, which he had or should have hereafter from the Pope's Holiness in virtue of his bishopric, that in anywise were or might be prejudicial to his Highness, his heirs, successors, dignity, privilege, or estate royal; that to him and his he would be faithful and true, and live and die with him against all people; that he acknowledged himself to hold his bishopric of him only, and accordingly besought of him the restitution of the temporalities of the same.” (‘Sketch of the Reformation in England,’ p. 127, 15th edit.; 1854). Blunt remarks, that to be impaled on one or other of the horns of such an alternative as this, was a cruel situation into which no man ought to have been forced. Crammer's protest on taking the papal oath may be seen in Fuller's ‘Church History,’ vol. ii., p. 36; edit. 1837.

19 (p. 31). *Papal Revenues*.—Fuller, vol. ii. p. 52. He remarks: “While some Protestants compute the papal profit to be 150,000*l.* per annum, some more, some less (but all making it above the king's revenues), they do but state his income at random.” Hallam writes of Gregory IX. in the 13th Century, that he preached a crusade against the Emperor Frederick in a quarrel which only concerned his temporal principality, “and the Church of England was taxed by his authority to carry on this holy war. After some opposition the bishops submitted, and from that time no bounds were set to the rapacity of papal exactions. The usurers of Cahors and Lombardy residing in London took up the trade of agency for the pope; and in a few years he is said, partly by levies of money, partly by the revenues of benefices, to have plundered the kingdom of 950,000 marks; a sum equivalent, I think, to not less than fifteen millions sterling at present.”—‘Middle Ages,’ vol. ii. p. 15.

20 (p. 34). *The Church of England before the Norman Conquest independent of the See of Rome*. The following corroborative testimonies on this subject may be quoted.

Sir John Davis: “The first encroachment of the Bishop of Rome upon the liberties of the crown of England was made in the time of King William the Conqueror. For before that time the pope's writ did not run in England, his bulls of excommunication and provision came not thither, no citations, no appeals were made from thence to the court of Rome. Our archbishops did not purchase their palls

there, neither had the pope the investiture of any of our bishoprics.”—‘England’s Independency’, (1674) p. 12.

Hume writes that Pope Alexander II. expected William the Conqueror “would break the spiritual as well as civil independency of the Saxons, who had hitherto conducted their ecclesiastical government with an acknowledgment indeed of primacy in the See of Rome, but without much idea of its title to dominion or authority.”—‘History of England,’ chap. iv.

Soames: “Anglo-Saxon times knew nothing of papal jurisdiction. A close and deferential connexion with Rome was indeed assiduously cultivated; authority for domestic purposes rested exclusively at home.”—‘Anglo-Saxon Church,’ p. 204.

Mr. Freeman: England’s “crime in the eyes of Rome—the crime to punish which William’s crusade was approved and blessed—was the independence still retained by the island church and nation. A land where the church and nation were but different names for the same community, a land where priests and prelates were subject to the law like other men, a land where the king and his witan gave and took away the staff of the bishop, was a land which in the eyes of Rome was more dangerous than a land of Jews and Saracens.”—‘Norman Conquest,’ vol. iii. p. 284.

21 (p. 36). The *Quarterly Review* remarks on Dr. Hook’s ‘Lives of the Archbishops of Canterbury’ :—“One leading object of the Dean has evidently been to show the unbrokenness of the Church of England from the beginning until now; to exhibit it one and the same body from the mission of Augustine to the present hour; to show it protesting against the rising aggressions of Rome under the Plantagenets, and completing and enforcing the protest with the brave hearts and strong hands of the Tudor kings.” *Q. R.*, Oct. 1868, p. 388.

22 (p. 44). *The O’Keefe Case in Ireland*, 1870-3.—This passage of contemporary history, which has occupied so large a share of public attention, enables all who have followed it to understand and realise, better than any laboured descriptions could do, that “papal supremacy” we are now studying.

A Roman Catholic priest, alleging a slanderous attack upon his character by his bishop and two fellow priests without his being able to obtain redress from the authorities of his church, sued them successfully in a court of justice. For thus appealing to a lay tribunal he received from his superiors notices of suspension, one of which was so remarkable and drew such strong comments from the judge that we quote it:—“I hereby command you to withdraw the case of The Rev. Robert O’Keefe against The Rev. John Walsh from the Court of Queen’s Bench, under pain of suspension *ab officio et beneficio* to be *ipso facto* incurred the moment your counsel begins to state the case to the court and jury.”

All other means failing to make the priest desist from his suits

and forego the damages awarded him, Cardinal Cullen at length published a sentence of his suspension ; and having no authority as metropolitan to act out of his own diocese (except upon appeal), he had provided himself with a special delegation from the pope for this case, a fact to be especially borne in mind.

Holding the situations of chaplain to the Union Workhouse and manager of National Schools, the priest was in relations with two departments of the State, the Poor Law Board and the Board of National Education, each of which bodies dismissed him after being informed of the suspension issued by the church authorities.

The priest finding his civil privileges further invaded by these dismissals, proceeded against the cardinal, by an action for libel, which was tried in the Court of Queen's Bench. The question on which the trial turned related to the rescript which delegated the papal authority to the metropolitan. For the cardinal it was argued that by the rules of the Roman Catholic Church the pope has immediate and direct authority in each of its dioceses ; that therefore the priest of Callan was amenable to him or his delegate ; that the priest having submitted to become and to remain a member of that church (a voluntary society), had put himself under all its rules, and had no right therefore to appeal against a fundamental regulation of the body so long so he chose to belong to it.

A verdict in favour of the priest pronounced this argument to be untenable. The source of the cardinal's delegated authority made all the difference. Had he been able to make out a suspending power conferred upon him by those members of his church who were subjects of the Crown, the Court would have sustained him in the exercise of it, according to the rule of contract ; but inasmuch as he based his authority upon that of the pope, which the law of the land had expressly repudiated, the case was different. The State, in its sovereignty, will not recognise as valid any contract whatever based on compliance with the orders of a foreign power. A foreign rescript was in the law's eye simply as non-existent, and if the cardinal had no power to pronounce the sentence complained of besides such a rescript, he had none whatever ; his assumption to suspend was an usurpation, and his publication of sentence a libel,—which the Court pronounced it to be. The law then declared the cardinal's attempt to employ the papal jurisdiction in the papal communion within the United Kingdom to be in fact a civil usurpation, an invasion of the rights of the Crown. Had the priest been as willing as he was unwilling to accept as final the authority thus exercised, it would have been countenancing and abetting an usurpation, although the law, simply from not having been appealed to, would not have pronounced it such.

Again : the question occurs, is it in fact a rule of the Irish Roman Catholic Church that a priest may not be sued in the Queen's Courts ? The cardinal and some other dignitaries, on the ground of a certain bull, asserted that it was ; hence that peremptory command quoted above to stop the suit. Others however deny it,

asserting that that bull was never promulgated among the members of the Irish Roman Catholic Church, and never admitted by them. But if the affirmative could have been proved, it is nevertheless certain that the law of the land, which never allows the validity of a contract that deprives a person of his civil rights, would protect any one who had suffered in those rights while resisting church rules.

The O'Keefe case is witness of an attempt of the governors of the Irish Roman Catholic Church, by inducing people to forego their civil rights, to make predominant within the body a system of internal regulations culminating in the papal authority, in respect of all questions relating to religion and ecclesiastics. In proportion to the success of this attempt the people are withdrawn from "intercourse with the civil magistrate," and "papal supremacy" prevails. But the law of the land declares this attempt a civil usurpation. Many persons fail to seize this point aright. They imagine that "papal supremacy" is an effort to lord it over those beyond the papal communion, and therefore of course illegal, as impotent as illegal and only needing to be despised as a superstition. Much more to the point is it to notice that it is equally illegal in the case of those who approve of it, countenance it, and yield to it. But if this be so, we cannot help asking how it can be legal to acknowledge this authority in any manner; even, for instance, by such a thing as a complimentary visit or message to the Pope *on the avowed ground of a spiritual authority exercised by him over subjects of the United Kingdom.*

And now let us attend to some of the other circumstances that accompanied this remarkable case.

The executive government of the sovereign, acting through two powerful and influential boards of commissioners, were no sooner informed by the priest's superior of the sentence issued against him, than they dismissed him from his employment under them, and in the full belief that it was their duty to do so. Not only they, but other officials of the State cast him off, the Registrar refusing to register the marriages celebrated by him, and the inspector of constabulary withdrawing his force from attendance upon his ministry in the chapel of the town. Here were four departments of the civil power with which the priest was in contact giving effect to an authority culminating in the pope. Nor had the chief department of the sovereign power moved a step to prevent it. The ecclesiastical censures were working out their results through the lower branches and members of the body politic, and fostering public opinion in their favour. Yet the ecclesiastics, and therefore the State officials along with them, were acting, as it turned out, in a manner that the law of the land did not tolerate: and had the priest been personally averse to conflict, or scrupulous for the credit of his Church, or one to be intimidated, the law would not have declared itself at all; the habit of submitting to unauthorised ecclesiastical commands would have grown, and a warped public opinion would have prevailed.

There was, in fact, no little danger of all this happening ; for this particular priest is spoken of as a rare specimen of his class, and the thoroughness of his perseverance as absolutely unprecedented. His spirited conduct, though the sphere of it was a system where drill is extremely tight, attracts support through the publicity of newspaper times and the humour of the century, and becomes the talk of Parliament and ministers.

From all this we may learn something of the olden days. The law was then just as opposed as it is now against papal or ecclesiastical assumptions which would oust its jurisdiction ; its voice when interrogated was clear and decisive that papal claims were usurpations ; yet so inveterate had been the contrary practice, so rare and so little published had been the law's victories, so completely had the minds of men been mastered, that the usurpation went on without question, and even was felt to be the true interpretation of the law. The only quarter interested enough and powerful enough to challenge the usurpation was the Crown. But if regal authority is not always the first to move now, we need not be surprised if it was more than sometimes remiss then : an indolent desire to govern by the Church, a spirit of compromise amid difficult complications, a willingness to keep things quiet while no practical inconvenience was felt nor any personal defiance of the sovereign attempted, all prevented constitutional claims being asserted ; and when asserted, the evidence of them was confined to the rolls of court, without instructing the popular mind ; and so the people had got to believe at last that the Crown owned the prevalent opinion, that the Church claims were really the law while the civil claims were the usurpation. Those rolls and records, however, which the historical inquirer finds running through every reign, reveal that when the Crown did find it its interest to exert itself and assert the law, its claims rode at the top, and the competitor claims were proved to be usurpations.

23 (p. 45). *Church Supremacy*.—Although private judication has been of late most conspicuous in Ireland, where owing to the power of the priesthood it naturally excites most attention, its unsuspected presence is every now and then perceived in other quarters, shewing the general tendency of religious bodies to concentrate power within. Some irrepressible internal contest will disclose the scene, and the student of history, who wants to understand the phenomena of other times on the principles of human nature, observes it carefully. We quote therefore the following passage from a Glasgow pamphlet of 1840, entitled 'The Revolution Settlement' :—

"Why the Church of Scotland should have submitted in any instance to be bearded and defied by her own members and licentiates it is not for us to say ; though we cannot but think that it was culpable not to have exercised the discipline of God's house upon the first undutiful and refractory individual who dared to summon

before the secular tribunal those ecclesiastical courts to which he had solemnly vowed obedience in the Lord" (p. 9).

The Marquis of Hartington stated in the House of Commons, that "there were Protestant communities, the members of which were not allowed to take legal proceedings against each other. ('Name.') He was informed that the Independents, the Baptists, and Protestant dissenting bodies in England had the same rule." (Debate on the O'Keefe case, Aug. 5, 1872.)

The Archbishop of Canterbury ('Charge,' Oct. 3, 1872), speaking of men, in any religious body whatever, endeavouring to free themselves from the dominion of the civil courts in matters of faith and doctrine, believed that it had been adopted in some instances . . . "that every person who becomes a minister or office-bearer in any particular community shall do so under solemn promise that he will never appeal to the civil courts to vindicate his rights. I believe there are bodies in which such a promise is made; I confess I consider such a promise absolutely wrong. I consider that it is setting up an *imperium in imperio*, such as the laws of England ought not to recognise."

24 (p. 51). 26 Hen. VIII., c. 1., passed 1534. The Act is very short, and commences: "Albeit the King's Majesty justly and rightfully is and oweth to be the supreme head of the Church of England, and is so recognised by the clergy of this realm in their convocations; yet nevertheless, for the corroboration and confirmation thereof, and for increase of virtue in Christ's religion within the realm of England, and to repress and extirpate all errors, heresies, and other enormities and abuses heretofore used in the same, be it enacted. . . ."

The opening words of this preamble evidently assume that the headship of the Church was not conferred by Convocation, but only acknowledged by it, and that it belongs to the Crown by right of common law. Indeed, it was not likely that the King would accept a new title from his subjects, as conferred by them, except through Parliament. The Act *recognised* the title, and *confferred* certain rights supposed to "belong" to it.

25 (p. 52). See preceding note. Bishop Stephen Gardiner, in the work he wrote in the reign of Henry VIII. in support of the royal supremacy, observing upon the English people's consent to term the king "in earth the supreme head of the Church of England," wrote—"Their will was to have the power pertaining to a prince by God's law to be the more clearly expressed, with a more fit term to express it by; namely, for this purpose, to withdraw that counterfeit vain opinion out of the common people's minds which the false pretended power of the Bishop of Rome had for the space of certain years blinded them withal, to the great impeachment of the king's authority, which all men are bounden to wish, and to their uttermost power to see kept safe, restored, and defended from wrongs." And again:—"After it appeareth that the thing itself which was expressed by

name was not only true, but also ancient, it came of advised judgment, and not of temerity, that some notable name should be set forth to stir up the hollow hearts and feeble judgments of some men unto the consideration of the truth by, and to advertise the subjects by that name, that the Prince is the whole Prince of all the people, and not of a part."—'Oration on True Obedience,' in Heywood's 'Royal Supremacy,' 1870, pp. 53, 72.

26 (p. 53). The ecclesiastical courts under Henry VIII. were allowed to retain their jurisdiction, but their severance from the pope was complete, and the judge of each court added to his style, *auctoritate serenissimae regiae majestatis in hac parte legitimè fulcitus.*" (Amos's 'Reformation Statutes of Henry VIII.,' p. 283.)

27 (p. 59). The words, "Supreme Head," do not occur in the enrolment of the Acts of Elizabeth's first parliament ; but in that of her second there stands, " &c.," in the place where that title used to come, namely after "Defender of the Faith." Some recitations of the sovereign's title, as for instance that in the royal charter incorporating the Representative Church Body of the Church of Ireland, end with the words "and so forth." But in the queen's letter to Convocation, dated February 7th, 1872, the royal title is thus given : "Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith." The phrase, "and so forth," does not occur. Burn ('Ecclesiastical Law,' vol. iii., p. 658) thinks that that terminal generality was meant to include "Supreme head of the Church." Possibly it may have had some such origin ; for those who have paid attention to the controversies of prerogatives and titles must have noticed with what exceeding reluctance any formal and absolute surrender has been made, and how naturally some loophole would be left open for its reassertion.

28 (p. 60). This is illustrated by a passage from Stephen Gardiner's 'True Obedience': "Seeing the Church of England consisteth of the same sorts of people at this day that are comprised in the word realm, of whom the king is called the head, shall he not, being called the head of the realm of England, be also the head of the same men when they are named the Church of England ?"—(Heywood, p. 54.) See also p. 71 of the same work, where in a similar connexion he distinguishes the "Church of England" from "the Church," "the Church of France," "the Church of Spain," and others.

29 (p. 62). *Twofold aspect of Royal Supremacy.*—Sir Roundell Palmer having expressed his entire dissent from some preceding speakers, said :—"There is no mystification, no transcendental idea, connected with the doctrine of the Royal supremacy. It is a doctrine of the first political importance, which no legislation that you can introduce, that does not subject this country to the domination of

a foreign Power, can in any manner do away with. It amounts to nothing whatever but this—the independence of the United Kingdom of Great Britain and Ireland, and the absolute supremacy of the temporal government of the kingdom. Whether that government is vested, as now, in the Queen as its head, or whether even the Constitution were changed into a Republic, would make in this respect not the slightest difference—the doctrine is a simple assertion of the country's absolute independence of all foreign jurisdiction. All, therefore, that is said about ecclesiastical supremacy is merely the form of language used by lawyers for the purpose of defining the practical consequence which the general supremacy of the Crown produces on the Established Church. When I hear such doctrines as we have heard laid down as to the Royal supremacy, there appears to me to be something savouring almost of disloyalty in the construction which is put upon the words. Is the queen, I would ask, not as supreme in Scotland as in England? But in Scotland the Established Church is so constituted that the queen does not exercise in it any of those special ecclesiastical functions which the law attributes to her Majesty as the chief governor of the Established Church in England. It is, then, not merely not a necessary element of the supremacy of the Sovereign that special ecclesiastical prerogatives should be vested in the Crown, but there may be cases, as in that of Scotland, in which these special ecclesiastical prerogatives either do not exist or almost entirely disappear . . . . It is not then because we are Christians, or because we are Episcopalians, that the Crown has these special prerogatives which it possesses in our Church. It is because the law has given to the Church great legal privileges and authority which have been thought to require corresponding legal regulation and control. It has never entered into the head of any of us to entertain the idea that the queen is less supreme over members of the Roman Catholic persuasion than over any of her other subjects, or that she can by any possibility be made so; and the meaning of the ecclesiastical supremacy is only that the Church of England, being established by law in a certain manner, becomes subject to the common supremacy according to the manner and form of that legal establishment." (Clause 2, April 16, 1869.—*Hansard*.)

This passage, which we have quoted for the illustration of this single point, recognises (if we have seized its meaning) the twofold Royal Supremacy of the Essay. What we term the Royal Ecclesiastical Supremacy, or that regulative control which the sovereign enjoys in the Established Church alone, is here called by the same term, as well as "special ecclesiastical prerogatives." What we term the Royal Sovereign Supremacy is here spoken of under the phrases "absolute supremacy," "general supremacy," "common supremacy."

Sir Roundell Palmer was followed by Mr. Walpole, who was evidently not aware that the view he advocated was really involved in all that the preceding speaker had urged, as the *reader* of the debate can better see. The misunderstanding at the time was owing, we doubt not, to the want complained of in the text, of precise

and technical epithets, thus rendering necessary long circumlocutions especially disadvantageous in debates, where so much depends upon the accuracy of the memory during a jaded attention. Mr. Walpole said :—"I think he has overlooked some of the points which are necessary to be taken into consideration. My learned friend says that the supremacy of the Crown is simply and solely the power of the Crown, not only over the members of the Established Church, but over everybody in this country, to be exercised in the Crown courts. Well ; that is a fact which nobody can deny. But I take leave to say that the supremacy of the Crown is not limited in that respect. If I know anything of the history of this country and of Ireland, the supremacy of the Crown has a double aspect. It is a supremacy against foreign jurisdiction ; but it is also a supremacy exercised in this country from the commencement of our history, in order that no ecclesiastical authority should be exercised over the people of this country with regard to the established religion of this country, excepting that which can be exercised through the authority of the Crown. I see that my learned friend opposite assents to this proposition ; but why did he leave out the second branch of the question ? Nobody knows better than he does that the supremacy of the Crown within this country, as distinct from the supremacy of the Crown against a foreign jurisdiction, amounts to this, that without the authority of the Crown, no synod or council of the Church can meet ; without the authority of the Crown no laws passed by any ecclesiastical authority are binding upon the laity ; and that without the authority of the Crown no sees can be created and no bishops appointed. All these matters are involved in the question of the supremacy of the Crown so far as it affects the religion of the country within the country, but they are distinct from the supremacy of the Crown against any foreign jurisdiction which may be attempted to be brought within this land. I think my learned friend has failed to draw the distinction he ought to have drawn between the supremacy of the Crown against foreign jurisdiction, and the supremacy vested in the Crown with reference to religion."—*Hansard*.

This passage also asserts the view taken by the *Essay*. What Mr. Walpole terms "the supremacy of the Crown against foreign jurisdiction," is supremacy in the sole statutory sense of the word, what we have termed the Royal Sovereign Supremacy. What he terms "the supremacy of the Crown, so far as it affects the religion of the country," is the supremacy unknown to statute law by that term, so called by usage alone, without any official sanction, and which Sir Roundell Palmer called Ecclesiastical Supremacy. The latter further on in the debate replied to Mr. Walpole, and again showed that there was really no material difference between them. "When you have an Established Church, it does not necessarily, but it does naturally, follow that the Queen should have special prerogative with reference to that Church, and then it is called by the name of the Queen's Ecclesiastical Supremacy. But when a Church is

disestablished, they get rid of those things out of which this special supremacy arises, and to maintain the name after they have got rid of the thing answers no useful purpose, religious or temporal. The supremacy of the Crown will apply to the members of a disestablished Church as well as to the members of an Established Church, only that in the one case it would not be exercised in the same manner with regard to synods, bishops, and the like, with which it is not expedient that the Queen should interfere unless the Church is a legal establishment."—*Hansard*.

It will further illustrate the subject if we adduce one more quotation. This is from the speech of Earl Granville in the House of Lords. His lordship also recognises two senses in the term Royal Supremacy. While however the speeches we have just been studying recognise the two views as distinct, indeed, but still tenable together in their proper places, his lordship looked upon them as alternative and "opposite." He remarked: "We hold that the Royal Supremacy exists in every part of her majesty's dominions. It exists in the colonies and in Scotland, exactly as it exists in Ireland or in this country. We claim that nobody can get redress for the infringement of religious as for civil rights, except by having recourse to the tribunals constituted by the royal prerogative. Even, however, if your lordships take an opposite view, if you mean by the Royal Supremacy something quite different, something interfering with the religious regulations of an established religion—something in short of the nature of the Star Chamber—even taking that view, Ireland will be put exactly in the same position as Scotland." (Irish Church Bill, House of Lords, June 14, 1869.—*Hansard*.)

30 (p. 63). The Thirty-seventh Article.—Referring to the Church of England, Dr. Wardlaw, an eminent Nonconformist divine, spoke of "a community placing over themselves a governor one of whose official prerogatives it shall be *to dictate to them their religion!* to determine for them what principles they shall hold and what observances they shall follow in the worship of their Maker." (Quoted by Dr. M'Neile, in his 'Lectures on the Church,' p. 141, the italics being Dr. Wardlaw's.) This passage may be compared with another quotation in note 10.

31 (p. 64). It is to be noticed that James the First, in authorising the Canons of 1604 and the assembling of Convocation, employs these terms, "by virtue of our prerogative royal and *supreme authority in causes ecclesiastical*." The words in italics do not harmonise with the views of this Essay, which recognises canons and convocations as connected with the royal prerogative, indeed, but not with the king's "supreme authority in causes ecclesiastical." Causes are judicial proceedings, and reference to them here is wholly irrelevant. But in fact the passage indicates encroaching and unconstitutional pretensions on the king's part. Prerogative, as we well know, was jealously

asserted in those days, and our Stewart king seems to be resting his right of Church control upon all the ground he could claim, which was partly sound and partly unsound.

32 (p. 66). *Lay Presidents of Synods*.—It was once, in the reign of Henry VIII., the same for a short time in the Convocation of the Church of England. In the year 1536 Thomas Cromwell presided in that body as the king's vice-gerent, and in the same capacity he subscribed the Ten Articles. But the cases are not strictly parallel. The Lord Commissioner in Scotland accompanies the members of the Assembly in state to the opening, thus giving their proceedings the sanction of the civil authority. But after this he ordinarily exercises no other function in the Assembly. The Moderator alone presides at the deliberations. The Commissioner, although he need not be personally in the house, is usually at hand, and is supposed to be always with the Assembly, whose legal rights, as well as the prerogatives of the Crown, are guarded by his presence. He is also the channel of the Assembly's communication with the Crown. He dissolves one meeting in the name of the Sovereign, while the Moderator does the same in the name of the Lord Jesus Christ. From these facts it is evident that the civil hand is over the Scottish Assembly and the English Convocation alike, but in the former case more obviously to the public eye.

33 (p. 67). No sooner was the Kirk established in the reign of William than the king insisted on the prerogative of dissolving the General Assembly. He did in fact on one occasion dissolve it, not allowing it to reassemble until it suited his convenience, the assembly obeying under protest. The instance is instructive. No sooner does the Church come into intimate relations with the civil power, than a war of precedent ensues, which in course of time and under the influence of varying circumstances settles down into a rule of precedent and common law. This constitutes the royal ecclesiastical supremacy for that particular Church.

34 (p. 69). For examples we may refer to the two established Churches, the Evangelical and the Roman Catholic, of Prussia, which for about a quarter of a century were absolutely free from State control, though by no means on the ground of their being insignificant. They rendered service to the civil power, which in return connived at the *imperium in imperio* until a positive insubordination and manifest danger compelled a reversal of that policy. (See note 39). Another example occurs in the Roman Catholic Church of Belgium, which, though salaried by the State, enjoys perfect immunity from control, being directed immediately from Rome. Its power is such that, like her Irish sister, she can generally influence the national elections. The reasons why the State does or does not assert itself in cases like these must be sought for

in the political situation. The compact international organisation of the priesthood, and its hold upon its flocks, are such that the civil power would rather come to an understanding with it, and use it, than provoke a breach as long as this can be avoided. In fact some Churches escape State interference by their weakness, and others by their power.

35 (p. 70). The O'Keefe case (note 22) illustrates these remarks. The civil court having pronounced in favour of the priest, government declared its intention of protecting him, and pledged itself that the Education Board should reinstate him in the management of the schools, as well as modify its rule of procedure, so as to avoid a like collision in future. But the most important question remained,— what would the Poor Law Board do? A chaplaincy involves priestly functions which school management does not, and here is the difficulty. No assurance was given that *this* board would retrace its steps and reinstate the chaplain, while the latter imperatively demanded like action from both boards as a matter of consistency. In truth the problem does not appear, as things exist, of very easy solution. It only shows what embarrassing situations, involving perhaps inconsistencies, compromises, and subserviency, may arise when the ecclesiastical and civil bodies are in relations with one another, while internal ecclesiastical discipline does not in all cases depend for its validity on the sanctions of public law. As these sheets are passing through the press it is stated that Mr. O'Keefe has offered submission to his superiors; and if reconciliation should ensue, the decision of these important questions will be deferred. But in any event this Irish case has been the means of bringing the difficulty before the public in a very practical shape.

36 (p. 70). *State Control.*—Sir J. D. Coleridge :—“ I am not content to give up what I think the beneficial effect of the legal position of the royal supremacy in matters ecclesiastical. I am not prepared for the creation of a great, wealthy, highly educated, powerful, and perfectly free and unfettered religious body in Ireland. . . . At any risk of misconstruction I must say, that if Mr. Gladstone's proposal to reserve three-fifths of the endowments of the disestablished body be carried into effect, I shall insist with all the power I can, that the present standards of doctrine and the present safeguards for toleration and liberality of opinion shall remain with the endowments.” (Election speech at Exeter, August, 19th, 1868. *Times*, August 21st.)

37 (p. 70). *State Control.*—Sir John Lubbock, in a speech at Maidstone, Jan. 31st, 1872, after referring to the Church of Ireland, said, “ It is one thing to disestablish a weak Church, it is quite another thing to abandon all control over a remarkably strong one. The result of Mr. Miall's motion would not be simply to disestablish

and disendow the Church of England, but to create and establish a gigantic, powerful, and wealthy ecclesiastical corporation, independent of state control. The true effect would be not to dis-establish the Church, but to disestablish the State."—*Daily News*, Feb. 1st, 1872.

38 (p. 71). *Church and State in Canada*.—The members of our Colonial empire, variously working out for themselves the great problem of the Church and State connection, yield us their own special illustrations; but we have space to consider only one of them.

In Canada the earlier religious settlement rested upon the "Constitutional Act" (31 Geo. III. c. 31) of 1791; and by this the members of the Church of England in the lower or old province were admitted to the privileges already secured to the original French Roman Catholics, while the upper province was all their own. The clergy were supported by the tithes of the Protestants. Upon the formation of all new townships, a portion of the land was ordered to be set apart for the support of the "Protestant clergy" under the name of Clergy Reserves; and in addition to this the Governor-General was authorised to found rectories for the ministers of the Church of England. Thus was formed an established Church; and the measure of its subsequent connection with the State is indicated by such circumstances as the following. The Bishops of Quebec (who commenced in 1793) were nominated and paid by the English government; parliament was daily opened by prayer from the English Liturgy; the visitor of the University was the bishop, and its professors were churchmen. We may say then that the Protestant Established Church of Canada was a colonial counterpart of that of England.

Ere long immigration set in from the British Isles, and the original settlers of Upper Canada, refugee loyalists and churchmen from the revolted States, were outnumbered by Scotch Presbyterians and English Dissenters. This introduced the "religious difficulty." In 1823 consequently fell the tithes. In 1840 the Clergy Reserves were pronounced by the legislature to have been intended from the first for all Protestant denominations, and were shared in accordingly. Then arose the cry that the Anglican Communion received the lion's share; and this produced an Act of the legislature in 1854 for the abolition of the Reserves altogether—existing interests being of course respected.

Here then were two acts of expropriation. But there was little in them really parallel to what the abolition of tithes and glebes would be in the old country; and more especially in regard to tithes, which in Canada were virtually but an annual public rate rather than a private endowment. The discontinuance of it could hardly be called spoliation. In regard to the Clergy Reserves, life interests were commuted for the benefit of the whole body, and the Church may perhaps be more truly said to have been bought out than

turned out of this endowment. The rectories were never interfered with, and these are enjoyed still; in respect of which the Canadian Episcopal Church remains unquestionably "established."

Another circumstance is now to be noticed. The Clergy Reserves Act of 1854, whose preamble, reciting numerous statutes, was in length nearly half the Act, consisted of seven sections, the third of which opened with this briefer preamble of its own:—

*"And whereas it is desirable to remove all semblance of connection between Church and State, and to effect an entire and final disposition of all matters, claims, and interests arising out of the Clergy Reserves by as speedy a distribution of their proceeds as may be: Be it enacted." . . . . Then follows more about stipends, payments, and so forth.*

Now what are we to understand by those introductory words which we have emphasized? What was their intention, and what did they effect? They are by no means so very easy of interpretation as they might at first sight appear; for when we come to view them with their context and with the whole Act, when we find no explicit statement at all as to what is meant by "connection between Church and State," the sense which seemed at first to breathe startling and uncompromising innovation almost vanishes in air. As the best we can do, observing them crowded about with lands, payments, compensations, and followed by that "entire and final disposition" of all claims arising out of Clergy Reserves, we take the hint and interpret thus—that the State wanted to clear its hands as thoroughly as possible of these Reserves: in other words, it was a mere *property connection* of Church and State that the Act touched; it wanted to buy out the Church from this one long contested question and have done with it.

That the words did not cover, at all events, what an English Liberationist would include in them, is evident enough from events that followed. For after the passing of the Act the Crown went on nominating to Canadian Bishoprics precisely as before; and it was the Church herself, deeming she must have been repudiated by that sweeping preamble, that first petitioned for the favour of electing her own bishops. (See the Government statement in the House of Commons, March 30, 1855, and the Bishop of Oxford's motion in the House of Lords on May 25th. *Hansard*.) The ministers of the Crown were by no means prepared to advise the surrender of the privilege; and the only concession was that, as a general rule, the Crown would have regard to the person whom the Church might recommend to it; in other words, the Crown would, at least, hold a veto. The first bishop elected on these terms (to Huron, 1857) proceeded to England, was consecrated as usual by royal mandate to the Archbishop of Canterbury, and was appointed to his see by the customary Letters Patent. But the election to Quebec, 1863, showed the hand of the Crown relaxing: there were no Letters Patent: the royal mandate was issued not to the Archbishop of Canterbury but to the Metropolitan of Canada, to whom (and not to

the Primate of all England) the new bishop swore canonical obedience. But with the election of a coadjutor to Toronto, in 1866, came the further change. When the usual application was made to the Colonial Office for the royal mandate, Lord Carnarvon declined to advise her Majesty to issue it. Thus the Crown veto was relinquished, and the Canadian Church was free to continue her own episcopate in her own way—but not until twelve years after an Act of the Legislature declared “all semblance of connection” between Church and State severed.

But this is not all. Previously to the Act of 1854 the Canadian Church, finding the ties of her connection with the State already threatened, had begun to organise herself in voluntary Diocesan Synods. She now applied to the Colonial Legislature for a statutory authorisation of these synods. It was granted: and the Synod Act (passed in the Canadian parliament, June 13, 1856) received the royal assent May 6th, 1857: a supplemental and explanatory Act following in August, 1858: which two measures laid down certain rules of synodal constitution as necessary, and gave the synod legal control (of course within certain defined limits) over the members of the Church. The Canadian Diocesan Synods then are law; and if the tie of Church and State connection is in other matters loosened, in this matter it is drawn closer than it was before.

If we come to inquire how it was that the Anglican communion in Canada, while taking up a position of “voluntaryism” like other communions, still found herself, unlike other communions, connected with the State by having her synodic constitution on the statute book, the answer is instructive. Her past relation with the State, which, in the matter of Episcopal appointments, was still lingering in its transition at the time she obtained the Synod Act, made her position ambiguous. In 1856—7 it was really doubtful whether she had legal powers of governing herself by that means: at all events it was questioned. To solve doubts an Act was necessary: to refuse it was invidious, as leaving this Church alone among all the denominations under apparent disability. Other bodies had had no such relations with the State, and had therefore no doubts—and no Act. Hence, while the State connection of the Anglican Communion was loosening in one way, it was tightening in an another; tightening in this *because* loosening in that. So hard it is to dissolve a Church and State connection when once formed, and to remove from the statute book what has once got upon it. This history, we may observe in passing, reminds us of those other undefined and abstract clauselets that occasionally get into statutes and their preambles—as the title “Head of the Church,” and a Church “ceasing to be established by law.” They effect nothing immediately and directly, but they are not for all that idle and inoperative entirely. We may sum up by saying that the Anglican Communion in Canada is both established and connected with the State; not indeed in the precise mode that it used formerly to be, but in the manner of a “re-arrangement.” How much, then, we may deceive

ourselves in cleaving to a phrase and fancying it must always mean the same thing !\*

39 (p. 71). *Connection between Church and State in Prussia, Switzerland, and England.*—In the twelvemonth that has passed since this Essay was written, the Church controversy on the Continent has had some striking developments, and the history of Prussian and Swiss ecclesiastical legislation has furnished good illustrations of what we have been here saying as to the varying degrees and kinds of connection with the State observable in Established Churches.

Let us premise that in the year 1848, when the Continent was convulsed with revolution, the kingdom of Prussia, which had suffered like the rest, came under a new constitution, which was promulgated on the 5th of December. Two of its articles, the 15th and the 18th, concerned religion, and were to the effect that all sects were at absolute liberty to manage their own affairs, and that neither the State nor private patrons were to have any right of presenting to benefices. The motive and object of these clauses are thus explained in <sup>the</sup> course of a speech of Prince Bismarck in 1873, in reference to the papal communion :—“ When, in 1848, Prussia fancied herself weak, she made most extensive concessions to the Catholic Church, hoping that the priests, who were accorded absolute freedom of action, would return the benefit by educating their congregations in loyal and conservative sentiments ; ” and again, “ Clauses 15 and 18 of the Constitution were in their origin a compromise between the friends of order and the Church, the former being desirous not to deprive themselves of the latter’s support.”

These clauses then left the Roman Catholic Established Church (for we are now confining our attention to that) to pursue her own way, uncontrolled and unchecked, in perfect autonomy ; and of course the chief seat of its government was Rome. By all accounts, the Prussian court remained for twenty years on the most friendly footing with that of Rome, or as Professor Gneist of Berlin put it in the German Parliament in 1873, “ Until recently, the prevailing tendencies of the Ministry have been pro-papal.” It is very plain then that in respect of any interference or control in its interior management, the Roman Catholic Established Church of Prussia had little or no connection with the State, though a very intimate one with the Pope. It was what the “ Liberationist ” is demanding in England (barring the Pope), and what Cavour meant in Italy when he started the phrase, “ A Free Church in a Free State.”

But this was only half the situation, and it requires that we should have the whole case before us if we would understand the

\* The facts in the above statement are chiefly from Mr. Hatch’s Article in *Macmillan’s Magazine* for October, 1868, and the volumes of the *Colonial Church Chronicle*. The Clergy Reserves Act will be found in the *Eccle-*

*sastical Gazette* for January, 1855. The Duke of Newcastle’s Despatch, from the Colonial Office to the Governor General, dated February 15, 1856, is also well worthy of perusal. See *Ecclesiastical Gazette*, July 8, 1856.

somewhat inconsistent cries of one and the same political party in Prussia (and not in Prussia only) in regard to Church and State. Let us further observe that it was the business of Government to give civil effect among the members of the Roman Catholic body to all the ordinances of their Church ; and this embraces, in a few words, the other half of the situation. Thus, matrimony among them was legal only when performed by their priest ; their children were obliged to be brought to him for baptism, and also for instruction in the duties of religion ; they were compelled to pay church-rates for the support of their own Church ; severe penalties protected the priest in the discharge of his official duties. Here then was a very intimate association of the civil power with religion, and especially so considering that that power had no hand whatever in regulating the constitution of the Church, nor in checking its discipline or teaching, all of which were framed in consultation with a foreign power.

Perhaps we may briefly sum up the two aspects we have been explaining, as those of constitution and of privilege. In regard to its *constitution*, and the authority she claimed by virtue of it, being, as was alleged, of a purely spiritual nature, the Church refused all connection with the State ; but in regard to *privilege*, the having her authority recognised and put in execution by the secular arm, she acknowledged a very close connection. The popular idea would take in the latter alone ; it was a matter of every-day life, and the people were in contact with it perpetually ; while the former belonged to diplomacy and government departments far beyond their notice. The people therefore would pronounce that there was a very close connection between Church and State ; the statesman would make a distinction, and say that in one respect there was, in another and more important respect there was not. The liberal sentiment amongst the people, impatient of what might be called the police-regulation of religion, favoured the cry of "Separation of Church and State ;" while statesmen, who had had objects of their own arising out of the events of 1848, were more patient—as long as good terms were kept with Rome.

But with the Franco-German war, the Protestant Emperor, and the Vatican Decrees, statesmen as well as the people found themselves obliged to look at the question of Church and State ; for there began to be very observable among the compactly organised and disciplined priesthood an understanding and an attitude against the new Empire as though it were implicated in the loss of the Pope's temporal power, and were an obstacle to its recovery. The *imperium in imperio* now wore another aspect, and a very anxious one too. The reality and the resolution of it are illustrated by one instance. In March, 1872, the Bishop of Ermeland, in the province of East Prussia, pronounced sentence of excommunication on two persons of "Old Catholic" views (one of them, Herr Wollmann, being a theological professor in State employment) for refusing to accept the dogma of Papal Infallibility. This was no less than breaking the law

of the land, which did not permit such a proceeding without the express consent of the Cabinet. The law forbade any church inflicting penalties calculated to impair the social position of its members and injure them in the enjoyment of their civil rights, while at the same time it permitted exceptions under the special sanctions of the Ministry. The bishop being asked by Government for an explanation, quietly replied that if the Canon or Church law happened to clash with that of the State, he would of course be guided by the former.

The statesman's policy in grappling with this mischief was very different to the one embodied in the popular cry. To give up the police-regulation of religious observances would, as they felt, touch only the surface of the evil, as long as the priesthood held an unlimited authority, which they called spiritual, derived from a foreign source and withdrawn from all State control. They urged in fact that it was not a less stringent connection between Church and State that was needed, but a much closer one. In a debate in the Upper House, April 24, 1873, the Minister of Public Worship emphatically denounced "the perniciousness of the theory, dating from 1848, of the separation of Church and State." A year before, May 18, 1872, Professor Gneist of Berlin in the German Parliament, pointing to the situation in which they found themselves, said, "Here you see the result of the most vapid of all the vapid political *façons de parler*—'The Free Church in the Free State.' In Belgium, where the same sort of liberty prevails, it is even worse."

It is well worth while to observe a few more of the utterances of politicians of this school, which clearly explain the ideas working in their minds. Professor Gneist (1873) urged :—"While insisting upon the duty of the Government to enforce ecclesiastical ordinances upon the members of the Catholic Church, that Church declines to permit the State to take cognizance of the nature of those ordinances, and to judge for itself whether they are compatible with the public weal or not. Up to the present time, the State has been content with the humiliating position assigned it by the Church, and has acted as the obedient servant of the priests." Again : "We cannot consent to treat the Church any longer as a transcendental institution, which, while it relies on the secular arm of the State for strength, yet pretends to be altogether heavenly and exempt from human criticisms in all that it ordains and demands." Prince Bismarck (May 14, 1872) said : "There is no foreign sovereign, except the Pope, who—at any rate as the law at present stands—is entitled to exercise a sort of almost royal prerogative within the territory of this Empire." Privy Councillor Wagener, at the same date, said :—"I make no doubt that the majority of the House are agreed in looking upon the recent attitude of the Catholic clergy of this country as perfectly insupportable. The latitude allowed them by the laws of the individual States has not only been turned to account, but has had the effect of encouraging acts positively prohibited

under those laws." Again : "There can be no doubt that the political enemies of the Empire will be but too happy to use our religious adversaries as their allies."

The utterances of the Ultramontane party also clearly showed what was *their* desire. Above all things they wished to be let alone ; they wanted no "connection of Church and State" in the Bismarckian sense ; a Free Church in unrestricted liberty to do as they liked among fourteen millions of Germans, allied with numerous millions in other parts, quite satisfied them. Thus spoke Herr Windhorst (May 14, 1872) :—"If you aim at severing the connection between the Church and the State, the Roman Catholic Church will be much more able to bear this separation than the Protestant Establishment. In Germany the Catholic Church, though not very intimately bound up with the State, is a living power, and quite capable of standing on its own legs if accorded the perfect freedom it enjoys in America." Herr Reichensperg said, appealing to the Liberals, who were lending themselves to Prince Bismarck's policy : "Is this acting consistently ? Is this adhering to your own cherished principles ? I affirm that, being Liberals, though the Catholic Church may not be to your liking, you are in honour bound to leave it alone and suffer it to be governed by those whom it chooses to regard as its proper governors."

This absolute freedom from the State so eagerly sought by the Ultramontane party was precisely that which a vast majority in the Prussian legislature, believing that the supreme interests of their country were at stake, resolved not to grant, and the famous Ecclesiastical Bills were the result. On the 29th of April, 1873, the president of the Ministry declared in the House of Peers that they were brought forward in self-defence on the part of the State against the encroachments of the Roman Catholic Church.

Again : we find the supporters of these measures asserting that their object was "to define and regulate the relations between the Church and the State ;" or with most particular emphasis—"to define distinctly by in every respect unmistakable and irrefragable laws the boundaries of ecclesiastical rights and privileges." What was meant by this "defining," and why so much emphasis about it ? It meant that certain rights reserved hitherto exclusively in the hands of the priesthood on the plea of being spiritual and divine should be regarded in their civil aspect and so come under civil control. Matters were therefore "defined," in order that they might be "regulated" by the four Ecclesiastical Bills.

To show the importance of this legislation and how it touched the very foundation of the Prussian Commonwealth, the CONSTITUTION itself had to be modified, namely, in those two clauses which we have already mentioned. The autonomy of churches is not taken away, but this very significant "nevertheless" is inserted—*all religious societies remain subject to the law and supervision of the State.* The amendment of the patronage clause is no less momentous—that *the preparation, appointment, and dismissal of the clergy must be regulated*

*by the State, which defines the limits of the disciplinary authority of the Churches.*

The four Acts in accordance with these principles passed May 1st, 1873. They rigorously prescribed the education of clerical candidates, with a view to secure their being genuine Germans in birth and training; they entered minutely into the punishments which church authorities might administer, the perusal of which reveals the severity of discipline, in property and in person, to which the Roman Catholic priest had been hitherto subjected by his superiors, beyond the intercession of the civil power; they made institution to a benefice a civil proceeding, allowing the bishop to have the nomination but the provincial governor (or the minister of worship on appeal) a veto; the State also to have a veto in dismissals.

Such is the altered Church and State relation in Prussia. It belongs to the Reformed and Roman Catholic communions equally, but we have confined our attention to the latter, as being avowedly the great object of the movement. The newspapers show that the Ultramontane party do not consider themselves "liberated," while statesmen feel that only now is there a "Free State." It is not our purpose here to approve or disapprove, but to explain facts to the unwary, and prevent them from natural mistakes when they hear phrases in regard to Church and State coming from the Continent.

The convulsions of 1848 gave Switzerland likewise a new constitution (September 12th), on which basis the religious settlement of that Confederation has since stood. It allowed each canton to establish for itself the Protestant Church, the Roman Catholic, or both, or neither. In this country, as elsewhere, it was the Vatican Council and its portentous decrees that precipitated the Church and State conflict. The question cropped up on every opportunity. The Federal Assembly, early in 1872, enacted laws adverse to clerical privileges in regard to national education and marriage; and it was on this occasion that the sentiment quoted in the opening section of this Essay was uttered, the speaker adding that in the matters of marriage and the school the dissolution of the marriage of Church and State could practically be carried out. It is evident that in such a way of putting it, connection of Church and State means the order of the Church enforced on its members by the civil power; but events soon began to bring into prominence another sense of the phrase, in which politicians would be anything but reconciled to a dissolution.

We turn then to the canton of Geneva. That territory was ecclesiastically detached, by authority of the Pope, from the diocese to which it had belonged, and was constituted a separate episcopal charge for M. Gaspard Mermillod, an eloquent curé of Geneva, who had earned this reward by his unflinching advocacy of papal views during the Vatican Council. It would not have done however to consecrate him Bishop of Geneva, inasmuch as an agreement or concordat existed between the Canton and the Pope against the

creation of new sees without mutual consent. The curé was accordingly made Bishop of Hebron, *in partibus infidelium*, and placed in spiritual charge of the Canton with the title of Vicar Apostolic ; and thus Bishop Mermillod, administering the Canton of Geneva as a diocese, was after all not Bishop of Geneva. This thin disguise did not prevent government discerning the papal aggression, and when they remonstrated, the episcopal Vicar Apostolic replied that he held his authority of the Pope and intended to obey him alone. The clergy rallied to the bishop, the Canton was supported by the whole weight of Federal authority, and a Church and State war was launched in Switzerland.

Neither party would concede, and on February 15th, 1873, Bishop Mermillod was conducted by the police beyond the Swiss frontier into exile. The Canton did not stop here, but proceeded to measures which they believed necessary to relieve them from such invasions in future. They introduced a Catholic Worship Reorganisation Bill, the title of which makes it pretty certain that the Church would much have preferred to carry it in her own sense and in her own synod. It was accepted almost unanimously by the popular vote, and on August 27th, 1873, became law. It allowed parishes to elect their own curés, government retaining a veto, and provided a mixed council of laymen and ecclesiastics for the regulation of worship. The elected curés and vicars, previous to their installation, must take an oath to observe the Constitution, and to do nothing to disturb the tranquillity of the State. Assuredly there is to be detected in this proceeding no more of separation of Church and State than we saw in the four Ecclesiastical Acts of Prussia. Twice already in the Canton of Geneva, where it had been a growing and burning question, had this "separating" policy been put to a formal vote ; but the aggressive development of the great ultramontane spiritual *imperium* made men feel that they must needs adopt Bismarck's policy rather than Cavour's, and the Grand Council declared, first by a small majority (October 6th, 1872), afterwards by a large one (February 9th, 1873), that that "marriage of Church and State" was *not* to be dissolved. At Neufchâtel the same proposition was discussed, but with no decided issue (November 21st, 1872).

In this great war of opinion, surely no Englishman can fail to realise the contrasts which these foreign established churches present at every point to his own. What we are witnessing at this day is, in fact, nothing less than the effort of other countries to bring their Church and State relations as nearly as they can into a position resembling that which England, under happier auspices, has long since reached and at present enjoys. The throes which our neighbours are now suffering we passed through at the period, chiefly, of our Reformation, when the Church and realm of England was emancipated from foreign usurpation, but without the humiliating results and hard measures which we hear of in these days. The subordination of the Church to the temporal constitution, as Hallam

carefully expresses it (note 44), was accomplished without degrading the spiritual element of the Church, and in the contrast which is now occurring abroad we may understand what good cause we have to be thankful for our history and our lot.

Then again as regards what is called State favour, which appears to our Nonconformist friends so invidious a part of the Church and State connection, we have in point of fact already had our history of surrenders. The repeal of the Test Act in 1828 is a signal instance of this. But if we are still to bear, as indeed we are bearing, the odium of past State support, we feel strongly that the reproach it is so much the fashion to express for it is not all deserved. Whether it was wisdom or unwisdom in our forefathers, it is only justice to them that we should bear in mind that it was no mere favouritism that induced them to compel attendance at church, make the clergyman's office necessary in marriages, and refuse State employment to any but churchmen. Their object was (whether their means were good or bad is not now the question) to preserve public morals and uphold the national safety, rather than to exalt and dignify a favoured sect; and we have no hesitation in believing that in foreign states in our own day it has been much the same, under the pressure of those awful outbreaks which this generation and the past have known so well. The origin of the Test law is a typical instance as regards England. It was confessedly admitted on the statute book of the realm by the whole strength of the nation, without even consulting the Church, as a means of beating back the tide of ultramontanism at a most formidable period; but when the march of history had removed that peril, the law was repealed by churchmen themselves. The only thing to regret is that it was left too long; the peril had become obsolete and forgotten; what was originally intended for the safety of the nation came to be regarded as a mere privilege of the Church, and the memory of this old irritation still clings to us. One by one all similar privileges, being considered of no public service, were dropped, and we have now been for many years very different, on the score of being patronised and favoured, from those continental churches against which the cry of separating Church and State is so sharply ringing. For a considerable period past no one in England has been obliged to use the ministry of the Established Church; no one need be married, or baptised, or bury, by her offices; no one's education need be superintended by her. One eminent exception to this there is. A Test law (so to speak) still survives for the sovereign, who has not the same unfettered liberty as the subject, but must on certain occasions use the Church's ministry or profess the Church's creed. This obligation, however, is not with an object of aggrandising a privileged denomination, but it is the best known method of stopping one source of ultramontane invasion. In other respects the Church of England is not a State favourite. True, she is established—established in her property and ancient inheritance, but no more than other bodies are in theirs. True again, her chief ministers are

barons in the upper chamber ; but we need not consider that solely a decoration and a favour. Partly indeed it is so ; but partly it is a constraint to which those eminent dignitaries must submit. Their presence as prelates in the House of Lords is their official muster before the nation, among their lay equals in every respect independent of them and their fellow-counsellors in affairs of Church as well as of State. Had we an efficient mixed synod there might not be so much need of what we are now hinting at : but such a body we have never had, we never may have : at all events we have it not now, and it is our wisdom to reason upon which we have in the present. The fathers of the Church are high in rank, spiritual in office, eminent in virtue ; and their rank, their office, their virtue may prove (for they are still men) their tempters within the domain of their great authority. In the discharge of certain of their duties, often most delicate, they have, they must needs have, very wide and even unlimited discretion, wholly unlike what any other public functionaries enjoy ; and it must help them to check any natural risings of an arbitrary spirit to know that, at all events in exceptional cases (like that, for instance, in which a former Bishop of Peterborough once found himself) they are liable, in the presence of all the nation, not indeed to be dictated to, but assuredly to be interrogated for explanations. Then too questions of absorbing interest will arise, when there is a very natural anxiety to hear such personages declare in free debate with the chief laymen of the empire what they are thinking, and on what opinions they will govern themselves and the Church. This ought not to be left for Visitations or diocesan addresses to elicit. Practical Englishmen will see two sides to this question of Church Peers, and not inconsiderately put down their *raison d'être* solely to a vicious association of State grandeur with the spiritual pastorate. Time was when those whom the sovereign had the prescriptive right of summoning to his counsels were constrained to appear, and would gladly have absented themselves ; a clear proof that something else than compliment and privilege was intended for those powerful dignitaries. We will presume to offer these reflections both to those who approve and to those who disapprove of the connection of Church and State as expressed in general terms, and we will conclude these remarks with a saying of Father Hyacinthe at Geneva, in the thick of a Church and State war the like of which for heat is not felt even in England yet, and where men are using words, as we hear them too amongst ourselves, which all understand in different senses : "What is to be done then ? The separation between Church and State, they tell us. Here is a phrase, not an idea ; for it covers several ideas."—(*First Conference at the Salle de la Réformation, May, 1873.*)

40 (p. 71). *Royal Supremacy in Nonconformist Churches.*—The Baptist case was mentioned by Sir Roundell Palmer (May 9th, 1871) in the House of Commons. The Archbishop of Canterbury (Charge,

October 3rd, 1872) referring to it, proceeded thus:—"Now I will give you another instance. . . . I happen to remember that not very long ago there was a dispute in the non-established Presbyterian body in South Africa, and the question was this, 'Whether a minister who had professed a doctrine which the majority of the body to which he belonged condemned, had really gone beyond the limits of what in that body was considered to be allowed?' Now this question came up to the Privy Council as a matter of appeal, because the minister though belonging to a non-established Church had demanded of the civil court of the colony that he should be replaced in the position from which he contended he had been unjustly removed. As you probably know, an appeal from the colonial courts comes to the Privy Council, and the Council therefore (without of course the assistance of the prelates), acting in a purely civil capacity, decided the question. Unless I am mistaken, the decision was that the clergyman in question had not transgressed what were supposed to be the doctrines allowed by the body to which he belonged; and therefore he was to be replaced in the post of which he had been deprived.

"I may give you another example. There is at this moment a dispute in the Free Church of Scotland. Certain persons, it is alleged, wish to deviate from the doctrines which were laid down as the basis on which that body was originally founded, and the persons who entertain these wishes are the majority apparently of that body. The minority are strongly opposed to them, and I understand they have distinctly threatened the majority that if they persist in their present course the minority will appeal to the civil courts, to ask whether these particular views which they maintain to be part of the essence of their original constitution, are part of that constitution or not."

The *Inquirer*, a Unitarian newspaper, thus wrote (December 16th, 1871): "Two centuries ago or less, a number of generous and pious persons established a number of Dissenting Chapels, each with its trust-deed attached to the freehold. By these trust-deeds the minister and congregation are bound, in the same way that the clergyman and his congregation are bound by the Thirty-nine Articles. Now with respect to the Church of England, if we except the nomination to bishoprics, deaneries, and a few of the Lord Chancellor's livings, the State has exercised scarcely more control over the Church than it has over Dissenting Chapels. In both cases the courts of justice, when called upon, have required the minister and the congregation to conform to the conditions under which they are allowed to meet and worship in their building. The worship within the Church is by law required to be conformable to the Thirty-nine Articles. In the Independent Chapel it must usually be agreeable to the Assembly's Catechism. In Baptist Chapels to a similar Catechism, with the addition of adult baptism. In the Wesleyan chapel the teaching must be agreeable to Wesley's published sermons. Now while the members of the Liberation Society are themselves held in

these bonds, their claim that the parish church and churchyard should be disconnected from the theological bondage, looks more like a wish for money advantage than for freedom of religion."

41 (p. 72). It should be observed that the appeal from the Ecclesiastical Courts is to the sovereign and not to his judges. It is the sovereign (acting however on the report of his Privy Council, who, according to law, have heard the case argued) that gives the sentence. The distinction is worth noticing, and it belongs likewise to Colonial and Admiralty cases. The sovereign's *personal* relation to the Church, the Colonies, and the Navy, is thus brought into view. In all other cases he appoints judges, who act by his commission, and who alone may give the sentence.

42 (p. 72). *Church law-making and the Royal Sovereign Supremacy in Scotland.*—Before quitting this chapter, we would take the opportunity of pointing to the controversy which issued in the Free Church disruption in Scotland, as affording valuable illustrations of the Church and State relation, the Royal Sovereign Supremacy, some of the perils of Church legislation, and the meaning of Establishment. A full and able account of the contest may be read in the third and fourth volumes of Dr. Chalmers's 'Life,' that eminent man and his biographer being both of them warm advocates of high spiritual authority, scrupulously anxious not to trench upon civil rights, but yet failing to see, as we must needs think, where his principles necessarily did notwithstanding conduct to that. A masterly letter of Dr. Chalmers on the 'Prospects of the Disruption' (iv. p. 281), and the 'Claim of Right' (p. 328), put the case of himself and his friends in the clearest possible view.

In the Church of Scotland the people have always had a voice in the appointment of their ministers, and no presentation to a living can take effect unless the parishioners sanction it by signing a certain form which constitutes the presentee's "Call." Anxious to put this proceeding, which had degenerated to a bare formality, upon a better footing and thus to stop the intrusion of improper ministers on the part of patrons, the General Assembly, on May 31st, 1834, passed the Veto Act, which empowered a majority of male heads of families, being communicants, to exercise a veto on the appointment, and even without assigning a reason for their objection.

It is here to be observed that such a rule, constituting new terms on which a person might be admitted to a benefice, was nothing short of changing the conditions on which the Church held the disposal of her endowments. Was it competent in her, by her own mere will, to take such a step? She was established (in other words, allowed to have the power of admitting her members to the ancient ecclesiastical endowments) by Act of Parliament, and the substance of the establishing Act constituted the rules she had to observe in the disposal of this property. It gave her no discretion to alter them.

Was it then by reason of her being an established Church that she was thus fettered? Let us suppose an unestablished body wanting to do a similar thing, and alter the conditions of disposing to its ministers the use of certain fabrics held by it on trust-deeds, in other words, wanting to change the terms of the trust. Clearly such a transaction required the permission of the civil power. If, for instance, the terms of the trust had become from lapse of time inoperative or illegal, the Court of Chancery could revise them in conformity with the original intention; but if the change was desired on other grounds, an Act of Parliament would be necessary. As an illustration of the latter we may refer to 'The Primitive Wesleyan Methodist Society of Ireland Act' (34 & 35 Vict. chap. 40). A Church certainly could not, at its own discretion, set aside the letter of its title-deeds. In such a matter an established Church is under no special restraint, the act or general law under which it is established being to her what trust-deeds are to an unestablished Church, the title to the property she holds. Not as an established Church then, but simply as a property-holding body, the Kirk ran great risk in the Veto Law, and some of her members distinctly foresaw that her competency to enact it might be challenged. ('Life of Dr. Chalmers,' 1851, vol. iii. pp. 352-3.)

The challenge soon came from the parish of Auchterarder, where a presentee was vetoed by the people, and his admission in consequence disallowed by the Presbytery. The supreme civil tribunal in Scotland, the Court of Session, was appealed to, which pronounced (March 8th, 1838) that the Presbytery had acted illegally, that the statutes knew of no such disqualification of a presentee as the veto of the majority of male heads of families being communicants; in other words, that the Veto Law of the Church was contrary to the law of the land. The case was carried to the House of Lords as the highest court of appeal, and on May 2nd and 3rd, 1839, Lords Brougham and Cottenham confirmed the sentence of the Court of Session; settling another point too by their judgment, that by statute a presentee could be objected to for disqualification only on three points, literature, life, and manner, and that a veto without reasons was invalid. The civil courts thus disallowed precisely what the Veto Law of the Church desired to establish. It is here worth noticing that the Crown, in exercising its patronage rights, acknowledged the Veto Law prior to the Lords' decision. It was unwittingly therefore supporting a Church supremacy which was all the while illegal. This is strikingly parallel with what we observed in the O'Keefe case as to the State authorities supporting the Papal supremacy, and it may be considered in connection with our remarks there.

Other similar cases now came on for decision, and the conflict between the civil authority and the Church was confirmed. It was intensified by another peculiarity of the Kirk, that not only might a person be presented to a living before being invested with holy orders,

but also that ordination carried admission to the benefice. ('Life of Dr. Chalmers,' iv. 110.) It is well known how different it is in the sister Established Church, where, in ordination, the bishop has an absolute discretion and no civil claim can enter. The Scottish practice was one well calculated to stimulate encroachment on one side or the other ; and according to the spirit of the age, the ecclesiastical power which confers the spiritual office might control the patron, or the civil court, which looks at everything in the light of property, might dictate in the matter of ordination.

Thick grew the contest, which soon bristled with "cases." Presbyteries were ordered by the General Assembly to one course, and by the Court of Session to another ; one Presbytery was summoned in a body into court, reprimanded and menaced with imprisonment ; another acted in defiance of the Veto Law ; the General Assembly sent down suspensions, and passed depositions on refractory Presbyteries, while the Court of Session laid interdicts on the celebration of divine service, and even left one at the door of the Assembly itself : a Presbytery was sued for 16,000*l.* damages, and the civil court decided that the action was relevant. The invariable success which attended the application of the Court of Session when the Veto Law was involved, gradually led to solicitation for their interposition in other cases, and thus the administration of church discipline, even for the correction of immoral ministers, was controlled from without, till the whole Church of Scotland presented an insufferable scene of anarchy and disorder.

The Church sought to extricate herself by an appeal to the legislature, and all those anxious conferences with leading statesmen in London detailed in Chalmers's 'Life' reveal plainly enough the readiness of Kirk divines to accept through an Act of Parliament what they found they could not obtain by Act of Assembly. Her friends in parliament tried to promote healing measures ; but the Assembly would accept of none which disallowed the main principle of the veto—a rejection of the presentee by the people without assigning reasons—and this no public man could be induced to sanction.

Matters came to a point when the General Assembly by a majority of votes agreed (Nov. 24, 1842) upon a manifesto, which they named a *Claim of Right*, embodying their whole case—their grievances and their demands. In this their supreme effort they resolved to stand only upon first principles ; and putting out of sight the particular measure of the veto, which had led off the controversy, they claimed the inherent right of a Church of Christ to make laws for her own government, and for the regulation of her pastoral charges unfettered by the civil courts of the State. They would submit to the sacrifice of the emoluments of a benefice in any case where the church law clashed with the interpretation of statute by the civil court, without however promising acquiescence in the justice and legality of such deprivations ; but the unfettered exercise of church authority by church officers in matters spiritual they were determined to have as

of indefeasible right. This was in truth the grand issue — the spiritual independence of the Church.

The issue is worthy our deepest attention. They were asking for unlimited spiritual authority—an authority strictly spiritual in kind, but as to extent unbounded by the civil courts; whereas they ought to have asked for an independent spiritual authority circumscribed within certain limits, those limits to be strictly specified. For as a property-holding body they could never reconcile the former position, interpret it as they might, with the sovereign supremacy of law. Thus for example, they would claim to declare absolutely which man should be the true pastor of a certain parish, and if the civil court found them thus in opposition to statute, they would yield up the parochial endowments. Yet by this very sacrifice of temporalities while keeping in their man, they were proclaiming law to be both for them and against them; and as a Church could never acknowledge itself breaking God's law, they would, by the means of the situation, be asserting that their law was the divine and the civil law only a human one to be submitted to under protest. How could the legislature be asked to sanction that by statute? Again: they were willing to sacrifice (under this implied protest) the parochial endowments. But was not the church fabric, in which their man would have to minister, a part of the endowment? How could the civil law deal with forfeiture in that fashion? Once more: the very essence of an Established Church is to preserve the connection of endowments with pastoral duties; how could the law be asked to punish a faulty person (either the unworthy presentee or the erring patron who presented him) by allowing him the emoluments rather than the duties?—for such was the destination of the emoluments in such cases ('Life of Chalmers,' iv., 92, 95, 103.). Or how could the law be asked to make it the interest of a patron to make unacceptable appointments, that the fruits of the benefice might revert to him? For the good of the nation the law establishes the Church: how can the nation be asked to disestablish any one portion of it, which might indeed issue in disestablishment in detail?

These excellent men were, without a doubt, striving in the uprightness and simplicity of their hearts; but for all that, statesmen will not and should not overlook such cautions as Hallam suggests in his chapter on the Ecclesiastical Power:—"It ought always to be remembered that *Ecclesiastical* and not merely *Papal* encroachments are what civil governments and the laity in general have had to resist, a point which some very zealous opposers of Rome have been willing to keep out of sight. The latter arose out of the former, and perhaps were in some respects less objectionable. But the true enemy is what is called High Church principles, be they maintained by a pope, a bishop, or a presbyter." ('Middle Ages,' ii. 55.)

The manifesto was transmitted to the Queen's Government, and elicited an unfavourable reply. On the 7th of March, 1843, a motion in the House of Commons to consider the grievances of

which the Church of Scotland complained was rejected after a debate by a large majority; and when the General Assembly next met, on the 18th of May, the adherents of the principle of the Claim of Rights withdrew themselves and constituted the Free Church, which proceeding they legally ratified on the 23rd, by subscribing an "Act of Separation and Deed of Demission."

The study of this most important controversy is a good field for examining that definition of an Established Church, which is sometimes advanced, namely that it is a Church whose laws are incorporated with the laws of the land. Now the Veto Law of the Established Church of Scotland was pronounced by supreme authority to be *not* the law of the land, and contrary to it. Nor was the Church ever obliged by any express sentence of the civil power to conform herself in the matter of this law with the law of the land. She might continue it on her statute book, or erase it, at her discretion. The grand point was that she could not enforce it. To erase it was a useless her wisest course; and so, as a matter of fact, she did, immediately after the disruption, when all the proceedings that depended upon the hapless law fell at once to the ground. But other courses were theoretically possible. Had she chosen she might have carried on the contest with the Court of Session; or, without repealing the law, have allowed it to become a dead letter, without in either case thereby forfeiting her position as an Established Church. She may, it is conceivable, to this day, while continuing established, have obsolete laws in her statute book that a rigorous interpretation would pronounce contrary to the laws of the land.

If we look to the Church of England we find a difference in this respect, arising simply from a difference in her rules of proceeding. Any law that she makes, to be really her law, becomes (if we rightly understand this somewhat abstruse point) the law of the land by the very mode of its genesis. From the first stage to the last it requires the royal assent, and at the end it carries no penalty unless ratified by Act of Parliament. We suspect that it is from generalising from this single example of an established church in England that the definition now under consideration has gained currency.

Once more, let us suppose an unestablished communion to receive, as is common in America, an incorporation by permission of the laws of the realm. Suppose this corporation empowered by law, as our railway companies are, to make their own bye-laws, subject to certain conditions. Those bye-laws would be recognised by a magistrate, and thus it could fairly be said that the laws of that communion were the laws of the land.

An established church therefore may, or it may not, and an unestablished church could, have its laws incorporated with the law of the land.

43 (p. 73). The biographer of Dr. Chalmers also remarks:—"The English Church was created by a fiat of the monarch. The reformed doctrine had but little prevalence and power among the people when

Henry VIII., by an act of royal authority, abolished the Papal jurisdiction and substituted his own in its stead. From that period till the present time the reigning monarch has been the Head of the English Church—a dogma which finds one of its embodiments in the fact that in all matters, even as to doctrine and discipline, there lies an appeal from the ecclesiastical to the civil courts.—('Life of Dr. Chalmers,' iv., 175.)

44 (p. 73). The late Professor J. J. Blunt, of Cambridge ('Reformation,' p. 303). Probably the language was suggested by Hallam's observation, which is much more cautiously worded, and in fact places the point in a correct view. "The two statutes enacted in the first year of Elizabeth, commonly called the Acts of Supremacy and Uniformity, are the main links of the Anglican Church with the temporal constitution, and establish the subordination and dependency of the former; the first abrogating all jurisdiction and legislative power of ecclesiastical rulers, except under the authority of the Crown, and the second prohibiting all change of rites and discipline without the approbation of Parliament."—('Const. Hist. of Eng.,' ch. iv.) It is commonly said that the legislation of the Reformation period gave to the sovereign what it took from the pope, making in fact a pope of the sovereign. This is a mistake. For sovereign substitute *law*, and that would be pretty near the truth.

45 (p. 76). Modern legislation will furnish sufficient hints of the process by which private endowments are liable to become in course of time "public" and "national" property—at all events in popular estimation. No one will question the private origin of the numerous grammar school foundations, such as Harrow, Rugby, and others, and of most of the colleges at the universities; the royal foundations we leave out of view. Yet the Public Schools Act has come to dispose of them almost as though they had been built out of the public revenue. Parochial charities have been treated in the same way. The practice appears to be that, when private endowments are collectively on a national scale of magnitude and of wide-spread influence, Parliament takes them in hand (almost seizes them in short), and treats them just as if they were national property. The motive is, for the most part, so entirely with a view to the public good, and the advantage of the interference is in many respects so manifest, that easy acquiescence is obtained. The late Chancellor of the Exchequer, Mr. Lowe, on one occasion displayed in one short sentence the whole process, when speaking of the denominational schools for the poor (assuredly founded by private and very recent enterprise) coming under the Education Act:—"They are made now for the first time what are called public elementary schools. *They have found their place in the statute book, and are liable, like any other public institution, to be dealt with at the pleasure of the legislature.*"—(Speech at the Halifax Mechanics' Institute, December 4th, 1871. *Daily Telegraph*, December 5th.)

46 (p. 78). The Quarterly Reviewer thus puts the case between the two methods of supporting religious worship :—"One is to take advantage of periods during which religious zeal is running high to provide, by means of permanent endowments, against the effect of its inevitable ebb, and so in the end to lean for support on the gifts of the dead; the other is to draw it—it might almost be said to extort it—by sheer importunity from the living. The various religious bodies avail themselves of one or other of these systems of sustenance, according to their circumstances. Those that are of some antiquity are generally able to lean to a great extent upon endowments. The newer sects, on the other hand, are compelled to content themselves with indefatigable begging."—(July, 1865, p. 195.)

47 (p. 82). *Tithes*.—Sharon Turner, Palgrave, Blackstone, Selden, Toulmin Smith (the last a learned Nonconformist lawyer), speak of the voluntary origin of tithes without hesitation. The "Eclectic Review" (Nonconformist) for February, 1832, freely acknowledged the same thing :—"An endowed Church may or may not be allied to the State by exclusive privileges. Were the political alliance between the Church and the State in this country dissolved, the right of the Church to retain all its endowments would remain the same, including among its endowments the tithes themselves. That is to say, it would have all the legal right that a public corporation can have to retain the revenues bequeathed to it. . . . The property of the Goldsmiths' or the Drapers' Company, that of Dulwich College, that of Guy's Hospital, that of the Wesleyan Conference, or of any dissenting academy, is as sacred, neither more nor less, as the tithes or other revenues of the Church. . . . It is, however, equally fallacious to talk of the Church property as being *vested* in the legislature. . . . The tithes are no more vested in the legislature than are the Irish estates of a London company, or the endowments of our dissenting academies and meeting-houses. The manner in which the abolition of tithes by a simple Act of Parliament is sometimes spoken of, as a thing quite feasible, legal, and desirable, might have suited a French Constituent Assembly," pp. 128, 129. Sir Roundell Palmer in the House of Commons (March 22, 1869), said :—"Tithe rent-charge was never a State or public or national property in any true sense whatever." A valuable work just issued, entitled 'Church and Dissent,' by a member of the Carlton (Longmans, 1873), has an able chapter on the Origin and History of Church Property. The author writes :—"I would ask my readers whether, on a fair and candid consideration of the broad general facts, they must not conclude that tithes were either granted once for all, or paid voluntarily for such a time as caused them to grow into a prescriptive right" (p. 21).

48 (p. 83). This is abundantly illustrated by the practice of modern times. Colonial governments do all in their power to foster the

civilising agency of religion, and make liberal grants to various denominations of Christians, who, amid the difficulties of colonising, are unable to support the expenses of public worship and the ministry of the Gospel. The parallel might, indeed, suggest that after all the early grants were most likely to have been public and governmental ; but a very slight consideration would dissipate such a notion. A modern colonial government is the proprietor of vast unoccupied lands, to which it is only too glad to attract as many respectable settlers as possible. England, in the days of its early Christianity, was totally unlike this. Every acre was already in some owner's hand. The king was but a proprietor, like the rest of his lords, and could promote the erection and endowment of churches and the payment of ministers only by influencing his brother landowners and setting the example on his own estates.

49 (p. 84). The 22nd clause of the Irish Church Act runs :—“ If at any time it be shown to the satisfaction of Her Majesty that the bishops, clergy, and laity of the said Church in Ireland, or the persons who for the time being may succeed to the exercise and discharge of the episcopal functions of such bishops, and the clergy and laity in communion with such persons, have appointed any persons or body to represent the said Church, and to hold property for any of the uses or purposes thereof, it shall be lawful for Her Majesty, by charter, to incorporate such body, with power, notwithstanding the statutes of mortmain, to hold lands to such extent as is in this Act provided, but not further, or otherwise.” The Church of Ireland accordingly, assembled in General Convention (1870), selected certain of her members and submitted their names to the Queen ; her Majesty was satisfied with them, and of her especial grace and mere motion incorporated them by charter (dated Oct. 15th, 1870) by the title of *The Representative Church Body*. The document enters minutely into the rules under which the Church Body is to be perpetuated, and declares it to stand in certain specified relations with a certain other body, a General Synod, which it recognises as the organ by which the Church governs itself. This then indicates how the Church of Ireland is recognised, and more than recognised, by the sovereign, and proves that she is still in some degree at least “ connected with the State.” The charter will be found in the volume entitled ‘The Constitution of the Church of Ireland,’ Dublin, 1870.

Governments are called upon every now and then to determine the true succession of a religious community, and their embarrassment in this necessity varies with circumstances. Thus, the French Established Reformed Church, being without property of its own, and existing as a pensioner of the State, which pays the ministers, builds and repairs the churches, is hardly so much an entire church as a collection of several, and is not to be recognised by any legal formulæ or bond of unity. The Government therefore has no difficulty ; and Pasteur Wheatcroft (see note 6) mentions an instance where a schism having occurred, and the question having arisen

which was the true Church and which the Dissenting, the Government acknowledged both. In Pennsylvania, the Government had to determine (in a property case) which was the true succession in the unestablished Presbyterian Church which had split asunder.—(Baird's 'Religion of the United States,' p. 281.) In New Jersey the Government had to decide (in a similar case) which of the two splitting members, the "Orthodox" or the "Hicksites," were the legitimate "Society of Friends" (*ibid.*). Very recently a difficult case occurred in Germany as to whether the "Old Catholics" were the Dissenters or the Church. The lower courts decided that they were separatists, but the Supreme Court of Appeal, in August, 1873, pronounced the contrary.

50 (p. 86). Canon Bardsley, after appealing to State documents said:—"I beg it to be distinctly observed that the Church is called the Church of England, and I boldly assert that there is not one single State document in which she ever relinquishes her national title, and is called the Church of Rome. For hundreds of years before the Reformation she is invariably called the Church of England. I lay emphasis upon this because writers and speakers at the present moment are telling us in every part of the kingdom that the Church of England was the product of the Reformation, and that she is the child of the 16th century." Nov. 1871.

51 (p. 88). *Doctrinal Innovations.*—Thus, on "Transubstantiation and Auricular Confession," Mosheim writes: "In the Fourth, and very full, Council of the Lateran, A.D. 1215, Innocent III., a most imperious pontiff, without asking the opinion of any one, published seventy decrees, in which, besides other enactments calculated to increase the power of the pontiff, and to give importance to the clergy, he widened the religious system, by adding to it some new doctrines, or, as they are called, articles of faith. For whereas there had hitherto been different opinions respecting the manner in which Christ's body and blood are present in the Eucharist, and no public decision had defined what must be held and taught on this point, Innocent pronounced that opinion to be the only true one which is now universal in the Romish Church, and he consecrated to it the hitherto unknown term Transubstantiation. He also required it to be held as an article of faith, that every one is bound by a positive divine ordinance to enumerate and confess his sins to a priest; which, indeed, had before been the opinion of some doctors, but it was not the public belief of the Church; for up to this time, although the confession of sins was held to be a duty, yet every one had been at liberty according to his pleasure either to confess them mentally to God alone, or orally to a priest also."—'Eccles. Hist.' book iii. cent. xiii. part ii. chap. iii. The Fourth Lateran Council was the so-called Twelfth General Council.

The Doctrine of Transubstantiation was confirmed by the Council of Trent. Massingberd writes: "In October, 1551, this synod

proceeded to its most important business, in the absence of any representatives not only of the Protestant States but also of the Catholic Church in France. The only point relating to the Eucharist which they condescended to adjourn in deference to the wishes of the Protestants, until their ambassadors should arrive, was the question of the cup. Although it was admitted that 'one can hardly express the manner of the Real Presence of Jesus Christ in the Eucharist,' yet they determined that it is 'fitly and properly called Transubstantiation.' Thus was a fatal obstacle opposed to the reunion of Christendom, and a definition finally imposed upon the Roman Catholic Church which many of their own writers wished to avoid, and which the decrees of Innocent III. need not have obliged them to adopt. This decree was passed the year after the publication of Cranmer's sentiments on the subject, and the year before the completion of the Articles of the Church of England."—('English Reformation,' 3rd ed. p. 422.)

52 (p. 89). We cannot help here thinking of the "Old Catholics" of Germany, who assert that the late Vatican decree of Papal Infallibility created a new Church. Much as we sympathise with their cause and wish it well, we cannot agree with them in this. That decree created a new doctrine in the Roman Church but not a new Church.

53 (p. 90). Against the notion that present Church revenue is the produce of ancient endowments, we may here, in anticipation of a future note, refer to the fact that the Pre-Reformation endowments now yield (in round numbers) 2,000,000*l.* annually, and the Post-Reformation 2,250,000*l.*, whereas 5,500,000*l.* are raised in annual contributions. A chapter in 'Church and Dissent' goes into the figures of church progress since 1835, and any one perusing them will feel convinced that Dr. Massingham does not exaggerate when he states that during the last fifty years the members of the Church of England have voluntarily given twenty-five millions towards churches, thirty millions towards endowment for the clergy, fifteen millions towards schools, five millions towards parsonages, besides supporting local charities innumerable. This is how the ancient patrimony of the Church of England "fructuates!" The "Member of the Carlton" may well express his astonishment to hear that endowments have crippled her energies, and that "the giant voluntaryism would draw her car along" would she but dispense with the puny "aid of the State."

54 (p. 94). We must bear in mind that at that period the House of Lords was the most potent branch of the legislature, and that the spiritual peers were a numerous and most influential proportion of its members.

55 (p. 102). Wyclif was tried before papal delegates appointed by

a bull. His doctrines were pronounced by this Court "repugnant to the determinations of the Church," "condemned by the Church and repugnant to its determinations."—'Lewis's Life of Wyclif,' pp. 107, 110, 111. Only the sentence is given; there is nothing like a modern "judgment" that we have been so familiar with of late years, where point by point is rigorously brought to the test of authorised standards.

56 (p. 104). Bishop Wilberforce, at the great Church and State Meeting in St. James's Hall, May 6, 1868, quoted "an eminent Nonconformist" as addressing these words to his own people: "You don't know what we all owe to the common position of the Church of England as holding the peace amidst all the conflicting elements of the religious opinion in this country." See also note 72.

57 (p. 108). The late Rev. James Gibson, D.D., Professor of Systematic Theology and Church History in the Free Church College, Glasgow. In 1833, when the current was running so strong against established churches, he published a small work entitled 'The Principle of Voluntary Churches, and not the Principle of an Establishment, proved to be the real origin of Romish and Priestly Domination.' One of the most plausible arguments against established churches was at that time, as it is with many still, the bold allegation that the Church of Christ was pure till the time of Constantine, and that after his establishment of the Church she gradually sank into corruption. This view had been recently popularised in Scotland by Dr. Ralph Wardlaw in his 'Sermon on Civil Establishments of Christianity' (1832). Mr. Gibson went thoroughly into this question, with an appeal to Church history; and not without effect; for Dr. John Pye Smith, in his sermon published in 1834, 'On the Necessity of Religion to the well-being of a Nation,' speaks (in the Appendix) of the Constantinian Church in terms entirely agreeing with Mr. Gibson's view, and grounds upon this some very candid cautions to his Nonconformist brethren in their crusade against the Church of England. Both Dr. Wardlaw's sermon and Dr. Pye Smith's appendix (the latter under the title of 'The Duty of the Civil Magistrate with respect to the Christian Religion') were reprinted by the Liberation Society, and form a portion of their 'Standard Essays on State Churches' (1867).

In 1872 Professor Gibson's volume also was re-edited by the Rev. James McNaught of Glasgow, and bears a recommendation from a strong list of Free-Church ministers.

58 (p. 109). *Political Nonconformity.*—The Rev. R. W. Dale, Independent minister of Birmingham, in a lecture delivered in the Free Trade Hall, Manchester, November 21st, 1871, dwelt at some length on the moral right of Nonconformists to exercise their political privileges as citizens, and for this no one could possibly blame them. He also expressed himself towards members of the Church of England in the most friendly terms, which merit their cordial

recognition ; but we think that the following extract from his speech (reported in the *Nonconformist* of Nov. 29) fairly illustrates the remarks of the text :—“We have hitherto been content to accept a subordinate place in the Liberal party ;” . . . but “the time has come for taking a new course. So long as we saw that the whole course of public events was moving, however slowly, towards the end that we desire, we . . . could hold themselves bound by the political ties which united us with the Liberal party ; but as soon as that very party, or at least its leaders, in the House of Commons, entered upon a policy directly adverse to our ultimate object, these ties were loosened. At the present moment it seems probable that we shall be driven into open hostility, and compelled to form a separate and independent party in the state.”

Mr. E. Baines, M.P., December 19th, 1871 :—“I shall not speculate either on the action of Government or of the Nonconformists during the coming session . . . I think it would be a false policy on the part of Liberals or of Nonconformists so to act as to break up the ministry of their party. On the other hand, the ministry cannot afford to alienate the Nonconformists if any just and statesmanlike step would conciliate them.”—*Daily News*, December 20th.

Mr. Knatchbull-Hugesscn, M.P., referring to the Nonconformist Revolt, said :—“The Nonconformists may drive me and others like me from Parliament ; they may drive the present Government from office . . . ”—Speech at Sandwich, January 26th, 1872.—*Daily Telegraph*, January 27th.

Mr. Winterbotham, at Stroud (Jan. 30, 1872), said—“Then they threaten to secede from the Liberal party. . . . They could destroy the Liberal party ; they could prevent any Liberal government coming in or remaining in power.”—*Daily Telegraph*, Jan. 31st.

59 (p. 116). *Humiliations of the “Voluntary” Ministry*.—We trust that in these remarks we have not urged our point offensively, as though we meant that religion owed its respectability to the civil status of the clergy. Our real meaning will not, we hope, be misapprehended. We must quote the following observations in our vindication, in case of blame. A Nonconformist in the *Times* (Feb. 5, 1872) wrote :—“I am firmly of opinion that the decorum of religious worship, the freedom of religious thought, and the public respect for religion are all favoured by the existence of the Establishment.”

The Quarterly Reviewer, speaking of the higher classes of society, strikingly remarks :—“It would not be easy to estimate the degree in which, in that rank of society, the presence of the clerical son or brother, or even equal, tends to keep out evil and to bring in good. The whole tone of white society in our West India islands was, we are told, in a short time altered by the sending out of bishops who took an equal social standing with the highest members of the community. The real object of maintaining the equal place of the mitre with the coronet is not thereby to exalt the spirituality but to leaven the temporality.”—(*Quarterly Review*, July, 1867, p. 227.)

Dr. Doyle, an excellent Irish Roman Catholic bishop, who died in 1834, observed : "As a clergyman, I feel sensibly the evils which arise from a kind of eleemosynary support; it was one of the motives which disposed me, at an early period, to prefer a collegiate to a missionary life; and to the present hour it is one which deeply weighs upon my mind; it is one of the many misfortunes of my native land, which often cause me in silence and solitude to wish I were banished from her shores and restored to that exile in which I spent my youth."—(Fitzpatrick's 'Life of Dr. Doyle,' vol. i. p. 12.)

Dr. Ball, M.P. : "I believe that in all churches the class of persons entering the ministry will deteriorate the moment they are placed in a position which obliges a subserviency of thought and often arts and practices, which an eminent French writer characterises as a system of ecclesiastical mendicancy."—(Irish Church Debate, March 19, 1869.—*Hansard*.)

A committee of a Unitarian society in America appointed to investigate the subject of ministerial salaries drew up a report, in which occurs the following passage : "The present low salaries paid to the clergy of all denominations in New England not only subject ministers to social suffering and lessen their respectability in the eyes of the world, but moreover rob them of their due mental independence, and greatly abridge their professional usefulness."—(Dr. Belcher's 'Religious Denominations' in U. S., 1857, pp. 983—6.)

Dr. Begg, one of the founders of the Free Church of Scotland, in his preface to a pamphlet written by Dr. M'Naught, wrote thus : "The actual state of things is gradually threatening us with two of the greatest mischiefs that can befall a people—a famine of the Word in certain districts and the multiplication of an unhappy class of starving, cowardly, and incompetent ministers : men who are the slaves of their fellow-men, and dare not boldly speak the truth, or act with manly independence. By all means let us have the full experience of the Free Church proclaimed—the truth, the whole truth, and nothing but the truth."—(Quoted by the Duke of Rutland in the Irish Church Debate, June 14th, 1869.—*Hansard*.)

The *Christian World*, a Dissenting Newspaper, contains a letter by *Inquirer* (September, 1871), on the subject of payment of ministers : "Lord Russell's historic taunt, that the Dissenting minister must preach to please, and please in order to live, is constantly receiving confirmation. One of the most formidable objections in the minds of conscientious clergymen as they revolve the question of future Free-Churchism, is the subservient and dependent condition of so-called Independent ministers."

What wonder is it that the Nonconformist ministry gains so few recruits from the wealthier *bourgeoisie* in comparison with the cotton-spinning and cloth-weaving interests ; that their colleges receive only humbler students, who in point of attainments should rather be at school, who meet their professors without number or enthusiasm, and are dismissed by them ere they have become even tolerable scholars, to form the sixty per cent. of dissenting pastors that alone

receive collegiate training of any sort? (See an account in the *Nonconformist* of Nov. 1, 1871, of papers then recently read at the autumnal meetings of the Congregational Unions at Swansea and Northampton, by Dr. Allon, Dr. Green, and Mr. Thomas of Bristol. A like melancholy report of ebb and decay in Wales was made in September, 1873, at the Carnarvon meeting of the Welsh Congregational Union, by Mr. Morris, of Brecon Congregational College. See the 'National Church' for October, 1873.)

60 (p. 120). The Education Commissioners (1861) observe in their Report to the effect that almost all the schools in the rural districts belong to the Church of England; the burden of supporting them falls principally on the clergy; and besides all the begging from friends and neighbours, the proportion of clerical subscriptions is ten guineas per head as against five guineas from the landowners (pp. 77, 78).

The Rev. E. R. Gleig wrote thus in 1869:—"This I know of England, that if there be any truthfulness and refinement in her national character, she owes these things far more to the humanising influence of her Established Church than to all the laws that Parliament ever passed or all the zeal of the magistracy in enforcing them. Put out the light that shines from the Rectory window, and in countless districts there will be both moral and intellectual darkness. Take away from the Rector his constitutional place in society, the legal recognition of his status, not only as the teacher of God's truth to the people, but as the centre round which the whole machinery of the parish works, and you will soon find that the main spring of the watch is gone. Education will fade away, charity will grow cold, the link that connects high and low, rich and poor, will be broken."—(Letter to the *Standard*, March 31st, 1869.)

61 (p. 122). In 1868—69—70 commissioners were appointed to inquire into the condition of the rural districts. To show what might be expected to become of these districts if residence of ministers of religion were the exception and not the rule, the report contains frequent instances of a deplorable state of things, which it usually attributes to *there never having been a resident clergyman*.

62 (p. 125). *The Protestant Succession of the Crown*.—Edmund Burke wrote: "It is not a fundamental part of the settlement at the Revolution that the State should be protestant, without any qualification of that term . . . . Our predecessors in legislation were not so irrational (not to say impious) as to form an operose ecclesiastical establishment, and even to render the State itself in some degree subservient to it, when their religion (if such it might be called) was nothing but a mere negation of some other . . . . The king is bound by law, as clearly specified in several Acts of Parliament, to be in communion with the Church of England . . . . The king may inherit the crown as a *Protestant*, but he cannot hold it, according to law, without being a Protestant of the *Church of England*."—(Letters to Sir Hercules Langrishe, 1792.)

63 (p. 134). In the diocese of Lincoln the hospital collections for the year had been 1033*l.* 18*s.* 2*d.* in the churches, and 113*l.* 9*s.* 5*d.* for all the other places of religious worship. (Bishop of Lincoln's 'Charge,' 1873.) In Birmingham the proportion in 1872 was sixty-one per cent. Other instances are given in 'Church and Dissent,' p. 256.) In London the churches collected 17,837*l.* out of 25,511*l.*, or nearly 70 per cent. ('National Church,' August, 1873.)

64 (p. 149). Probably he was describing the distant effect in the landscape, for the 'London Parson,' an equally friendly observer, remarks :—"Look at the little wooden church in every village. See how the spire or tower, staring with paint and aesthetically as ugly as possible, shows itself in a new settlement." Though this author cannot call these fabrics beautiful, he does full justice to the religious energy of the American working classes spread over the country, who (all honour to them !) build what and as they can.

65 (p. 155). "There never was a time when our clergy as a body were for their numbers as thoroughly efficient as they are now. There is a far higher standard both of personal life and of official labour than was ever common heretofore. Any marked lack of zeal, piety, laboriousness, and intelligence, are the exceptions and not the rule."—(*Quarterly Review*, July, 1867, p. 229.)

"Never were the clergy more earnest, and never as a class more enlightened, than now. The very troubles of the age attest it. The questions which are vexing the Church, on the one hand, as to what appears to us the trivialities of external ceremonialism, and as to the all-important verities of doctrine on the other, alike bear witness to the intense earnestness both of the clergy and of the laity whom they influence. The old slatternly slumberers of the last generation, with their strong port, large pluralities, closed volumes, and neglected parishes, are nowhere. For good or for evil, all are awake: all are hard at work: all are labouring for progress."—(*Ibid.* p. 243.)

66 (p. 156). Mr. Edward Baines, M.P., in the course of an address upon the education question, December 19th, 1871, said :—"As the Church schools have received four-fifths of the education grants for twenty-four years, they have received much more than their share. If it should still be pleaded that the friends of the Establishment have fairly earned the Government aid by their own subscriptions, the Nonconformists have a double answer: first, that, as the poorer half of the community, they are better entitled to help than the richer half; and, second, that the Church has its clergy supported by vast national endowments, whilst the Nonconformists have to support their own ministers and build and maintain chapels out of their own pockets, and have, therefore, less to spare for schools." (*Daily News*, December 20th.) Here is a powerful though unconscious argument for an Established Church, and its "fructuating patrimony."

67 (p. 158). The late Dr. John Pye Smith thus wrote just forty

years ago, and surely we may hope the Church of England has not fallen off since then. The italics and capitals are his:—"Those whom God honours let us delight to honour. I must profess my opinion that the *increase* of VITAL PIETY in the Established Church within the last thirty or forty years has been *proportionately*, and comparing the measure of advantages, greater than among us. In this 'we rejoice, yea, and will rejoice.' Mr. James writes from the heart, of 'the great and delightful increase of truly pious and devoted men that are now labouring in the Church of England.'" The excellent author believed this happy result was owing partly, through God's mercy, to the salutary reaction which the Dissenters called forth in the Church, and in a beautiful spirit disclaims all jealousy and envy towards the Church on this account, while still staunch, we must admit, to his principles as a Nonconformist.—(Sermon, Feb. 6, 1834, on 'The Necessity of Religion to the Well-being of a Nation,' preached before the Monthly Association of Congregational Churches and Pastors. Appendix, p. 42.)

"Notwithstanding all that has been said, and truly said, of the irreconcilable nature of the differences which divide her, never has the Church of England shown such signs of healthy vitality as viewed from without; never has her general popularity been so great, never has she earned so much of respect from adversaries or more enthusiastic attachment on the part of friends."—(Pall Mall Gazette, June 26, 1872, p. 10.)

68 (p. 159). *The Balance Sheet of the Church of England.*—Under this title the following statement was issued by the Yorkshire Union of Church Institutes, in the month of March, 1872, and has since been frequently reprinted:—

AVERAGE ANNUAL RECEIPTS.

	£	s.	d.	£	s.	d.
ENDOWMENTS.						
Tithes and Rental of Lands . . . . .	1,949,204	14	0			
Tithes, Rental of Lands, and Interest of Money Investments, acquired for the maintenance of the Clergy since the Reformation . . . . .	2,251,051	0	0			
				4,200,255	14	0
STATE AID.						
Parliamentary Grant for the Education of the Poor . . . . .				508,599	0	0
VOLUNTARY SYSTEM.						
Parochial Collections and Subscriptions . . . . .	3,182,400	0	0			
Contributions to London Church Societies . . . . .	400,000	0	0			
Contributions to miscellaneous Church Institutions, other than Schools, and not included in Parochial Collections . . . . .	600,000	0	0			
Contributions in aid of Church Building and Restoration not included in Parochial Collections . . . . .	500,000	0	0			
School-payments of Parents . . . . .	762,898	0	0			
				5,445,298	0	0
Total . . . . .	10,154,152	14	0			

## AVERAGE ANNUAL EXPENDITURE.

## MAINTENANCE OF THE CLERGY.

I. *Diocesan and Governmental Work.*

Nett Salaries of 2 Archbishops, 26 Bishops, and 70 Archdeacons . . . . .	138,556	0	0
II. <i>Cathedral Work.</i>			
Nett Salaries of 30 Deans, 127 Canons, 120 Minor Canons, 600 Singers, together with many Lay Officers and servants . . . . .	201,605	0	0

III. *Parochial Work.*

Nett Salaries of 13,041 Rectors and Vicars and 5706 Curates . . . . .	3,146,051	0	0
		3,486,212	0 0

Taxes, &c., on the endowments of the  
Clergy, other than Income Tax, and those  
usually paid by occupiers. [See 1 & 2  
Vict. c. 106, §§ 8 & 10] . . . . .

714,043 0 0

## EDUCATION OF THE POOR.

Education of 2,044,406 Scholars in Church  
Schools, with Training Teachers, &c. . . . .

3,051,573 0 0

## MISCELLANEOUS.

Church Institutions other than Schools.

[See Low's Handbook of Charities] . . . . .

1,000,000 0 0

Relief of the Poor from Church Collections . . . . .

400,000 0 0

Foreign Missions . . . . .

500,000 0 0

Current Church Expenses . . . . .

352,000 0 0

Church Building and Restoration . . . . .

650,000 0 0

2,902,000 0 0

Balance . . . . .

324 14 0

Total . . . . . 10,154,152 14 0

Bishop Harold Browne has observed (January 16, 1872) :—“The Church has been for twelve centuries doing God's work in this land at a very far less expense than in any other country.”—(Church Defence Meeting at Bury St. Edmunds.—*Standard*, Jan. 18.)

Dean Stanley, at the Church Reform meeting, February 15, 1872, said :—“I remember once hearing a venerable living statesman, whom I may call the patriarch of the Liberal party, say, ‘If the whole of the revenues of the Church of England were put into my hands for my disposal, I know of no better use to which I could apply them than that to which they have been already applied.’”—(Record, Feb. 19.)

We cannot forbear adding a word in reference to episcopal incomes, which are sometimes asserted to be extravagant. It is a great mistake to suppose that bishops require those means chiefly to keep up their state as barons of Parliament. Their great expenditure is in their own dioceses and in the discharge of their proper duties; and materially to reduce their means would be a positive impoverishment. No one can doubt this who has paid the slightest attention to the activities, hospitalities, and charities of a modern diocesan. Explicit statements on this subject were made in Convocation (February 6th, 1873) by the Archbishop of Canterbury and

other prelates. We subjoin an example of disinterestedness as mentioned in a recent charge of the Archdeacon of Winchester, and it may be placed beside an act that is still benefiting the diocese of Gloucester and Bristol through the munificence of the late Bishop Monk :—“It is well known that some years ago Bishop Sumner received from the Ecclesiastical Commissioners a capital sum of 13,000*l.*, and an annuity of 2500*l.*, in return for his not filling up a life in an ecclesiastical lease. These sums might have been appropriated to personal uses. Instead whereof, he placed them in trust for diocesan objects. As one of those trustees I am able now to state the sums which have been expended. The annuity ceased on his resignation of the see; but there was a balance in hand, and I have been signing cheques, with my co-trustees, the Chancellor of the Diocese and the Archdeacon of Surrey, ever and anon, until the sum dispensed has amounted to 31,200*l.* And this is not all, for it must be borne in mind that the late bishop, with that wise thrift which was peculiarly his own, gave the several portions in a way to obtain further benefactions, and thus, by offering these augmented sums conditionally to private persons, and subsequently to the Ecclesiastical Commissioners and other public sources, the original gift was often quadrupled. It is not too much to say that those 31,200*l.* elicited not less than 100,000*l.* for the purpose of augmenting poor livings, aiding in building parsonages and school-houses, and the like, in the diocese.” (Archdeacon Jacob’s ‘Charge,’ 1873, p. 8.)

The lower ranks of the ministry are not put to shame by the upper. Speaking of the expenses of a beneficed clergyman on the score of sacrifice, the Quarterly Reviewer with perfect truth observes, —“How, under such difficulties, the English clergy live, bring up their children, give, as they do give, largely to all calls of charity, and still retain their position as members of the gentler classes of society, is at first sight a matter of marvel. We believe the true solution to be this, that as a body they bring to their profession very far more than they receive from it.” (July, 1867, p. 226.)

69 (p. 159). *Tolerance of the Church of England.*—The late Rev. Henry Green, M.A., of Knutsford, a Unitarian minister, wrote :—“Who have been and are the actual movers of the great and beneficial changes of the last forty years? Compared with what Dissenters have done, or indeed could do, the great triumphs have been perfected in and by the High Court of Imperial Parliament, where sometimes the members of the Church of England have numbered ten to one. Had there not been the true spirit of religious liberty in the hearts of those sons of England’s National and Established Church, the whole empire would not and could not have entered upon such full measures of religious liberty and of religious equality as, according to the laws of the land, we now enjoy.

“What then, in view of such a history as this, are the relations

which should subsist between Dissenters and the Established Church of England? Again I answer, with the utmost conviction, relations of unity, peace, and concord; relations of mutual respect and kindliest charity. History, as I read it, proves that the Church of England, made up of its laity as well as its clergy, have not been, neither are they, intolerant of other men's rights and liberties; and if we act even by that narrow rule of doing to others as they have done to us, we are bound in conscience and in truth to respect their rights whilst we maintain our own, and to tolerate their full and continued enjoyment of lands, revenues, and religious priviledges. But we have a wider and more heavenly rule, to do to others as we would have others do to us, and should endeavour to act on that great principle of the Christian law.

"Neither by voice nor by vote would I then countenance any candidate for the House of Commons who is prepared either to sacrifice the religious liberties which the laws of the empire already secure, or to attack the rights and annul the just claims of the Established Church of England. Let us, then, resolve according to our power to uphold the Church, which is, I believe, the truest bulwark of national liberty, whether civil or religious. Never let us join those who, under the guise of liberation, would upset the laws that have settled the ownership of property and destroy revenues which now conduce to the welfare of every parish within the entire realm of Great Britain. To adopt a different course would be, *politically*, a blunder, and politicians say a blunder is worse than a crime; it would be *morally* a robbery and a wrong, for we should take away, against the owner's will, that which is not ours; and *socially* a great injury to all throughout the land who live by their labour or their skill, for there is no church except the National Church which opens wide its gates without money and without price for all who enter in and worship God. I might speak of the comparative usefulness of the Church of England, and tell how their schools and charities and parish libraries are covering the whole land. I might add much respecting the rightful claims of the Church to the revenues which it possesses, and much respecting the real advantage to the people of the various grades and dignities of the Church, from the simple curate to the bishop who sits as a baron in Parliament, and sitting there, not by right of birth, but through selection from his fellow clergymen, often unites in honour the lowly born with princes of proudest ancestry. But I forbear; and end my lecture with this earnest advice.—Brethren! whether Dissenters or Churchmen, in all your relations one with another be not as the Jews and the Samaritans, but follow after peace, and the things whereby one may edify another." ('Three Lectures against Disestablishment.' Manchester, 1871.)

70 (p. 163). *Internal Discord.*—The Rev. John Steughton, D.D., remarks:—"I am quite sure, from long experience, with considerable opportunities for observation, that unchecked divisibility is working

disastrously to the interests of religion. It creates rivalries. It promotes alienation. It entails feebleness. It occasions the impoverishment of pastors. It wastes time and strength, which, husbanded and employed in a large society might secure results the most beneficial.

“Moreover, partly through this practice, which proceeds upon a false or defective principle, but much more through forgetfulness or misapprehension of other principles, or most of all, through inconsistency between practice and principle—Congregationalists sometimes lay themselves open to blame. Isolation, sectarianism, and schism, are evils. That independency alone, unguarded by other considerations which are as Divine as itself, has a tendency to produce such evils, none will deny.”—(‘Ecclesia: Church Problems Considered, in a series of Essays,’ 1870, p. 44.)

Rev. J. Guinness Rogers :—“It has been a matter of complaint with some, that the recent meetings of the Congregational Union have been marked by a spirit so revolutionary that it seemed to proceed on the idea that there is nothing in our principles and institutions which can be regarded as definitely settled, but that every thing is in a state of fusion, waiting to be cast into any new shape which men with Presbyterian, or Methodist, or Plymouth Brethren proclivities may desire to give it. Certainly, some of the severest censures which have been passed on Congregationalism have been heard in its own assemblies, and have come from some of its most zealous friends.”—(‘Ecclesia,’ p. 474.)

“It is essential to the efficiency of any Church system, that it should unite a due regard to law and order with a jealous care for individual liberty. . . . It is the common reproach against Congregationalism, that it has looked too much to the latter, and has suffered the rights of the individual to override the general interests of the community : that in its love of liberty it has been careless about the maintenance of law ; and that in its dread of despotism, it has tolerated a disorder which has entrenched very close upon anarchy. These charges have been greatly exaggerated. . . . At the same time, it is wise to consider whether it is not possible to remove, or at all events greatly to mitigate, the evils which have been complained of, and thus to secure the increased efficiency of the system itself.”—(Ibid. p. 522.)

“Looking at the history of the Church in subsequent times, and at its condition divided into so many different sections to-day ; seeing how little suffices as a basis for sectarian separation ; how the slightest varieties of opinion as to polity, or even as to ritual, have been allowed to break up the external unity of the Church ; how Congregationalists and Presbyterians have often lost sight of their common faith in the fierceness of their disputation relative to Church Government ; how Congregationalists have been divided into two separate communities by difference as to a mere rite—a difference which, under a dispensation of the Spirit, must surely be regarded as of very secondary importance ; how Presbyterians have constituted rival communities on the ground of opposing theories as to

the relations of Church and State; and how those who arrogate to themselves the title of 'Brethren,' are subdivided into, I fear to say how many little sects; it is strange to come back to the story of the first Churches."—(*Ibid.* p. 503.)

The Rev. Thomas Jones of Swansea, a Nonconformist, complaining to his brethren of denominational rivalries, remarks:—“As soon as you have prepared a place to preach the Gospel in, say a country village in which there is no church, other parties hear, or think they hear, a mystic voice saying unto them, ‘Rise up and build;’ which thing they also do, and another many-windowed meeting-house is added to the classic structures of the little village nestling there in the embrace of the mountains. And in the course of a few years another, and yet another, makes its appearance, grows up as if by magic, and in the end you have Joppa and Jerusalem, Bethany and Bethabara brought together on the same spot; and one more vigorous and foolish among has been made to illustrate the infinite divisibility of the Christian Church. Then mark the result: all these churches are necessarily small, poor, and feeble; for like the kings in Pharaoh’s dream, they devour each other, and religion is brought into contempt.”—“Answer of the Church to the Scepticism of the Age.” An Address delivered from the Chair of the Congregational Union, at Swansea, October 10th, 1871, p. 26.)

The late Rev. John Angell James, the eminent Nonconformist minister of Birmingham, in his little work on ‘Christian Fellowship,’ addressed to his people, wrote:—“When a Christian minister is removed . . . the choice of a successor always brings on a crisis in the history of the Church of which he was the pastor. No event that could happen can place the interests of the society in greater peril. Distraction and division have so frequently resulted from this circumstance that an argument has been founded upon it, if not against the right of popular election to the pastoral office, yet against the expediency of using it” (p. 103).

“Alas! how many of our churches present the sad spectacle of a ‘house divided against itself.’”—(*Ibid.* 109.)

“In some cases the evil is to be traced to the want of ministerial diligence. The time which should be devoted to study is spent in gossiping or attending public meetings. The people become dissatisfied, perhaps remonstrate in a disrespectful way; the minister takes offence, forms a party, and a divided Church is the consequence. I believe one-half of our church quarrels originate in lazy, loitering ministers.”—(*Ibid.* p. 110.)

“A very large proportion of our schisms arise at the time of choosing a minister, which is always a crisis” (p. 111).

Another cause is “a peculiar and dishonourable fickleness of disposition on the part of some churches. They soon grow tired of the man whom they chose at first with every demonstration of sincere and strong regard, and seldom approve a minister beyond a period of seven years.”

“Another cause is the unwillingness of many people to raise the necessary support of their pastor. They have seen him struggling with the cares of an increasing family, and marked the cloud of gloom as it thickened and settled upon his brow; they knew his wants, and yet though able to double his salary and dissipate every anxious thought, they have refused to advance his stipend, and have robbed him of his comfort, either to gratify their avarice or indulge their worldly-mindedness!”—(*Ibid.* p. 111.)

“It is sometimes the case that where two or more churches of the same denomination exist in a town, a most unhappy, unscriptural, disgraceful temper is manifested towards each other. This is peculiarly the case where two churches have been formed by a schism out of one. Oftentimes has the feud been bequeathed to the generation following. And are these churches of saints! Thus churches quarrel to find sport for the devil and his children” (p. 63).

“Church members should never resent, by coldness and distance of behaviour, the conduct of those who leave their society to join another in the same town. I have known cases in which both the minister and his flock have refused even the civilities of ordinary intercourse to those who have left their church to associate with another.”—(*Ibid.* p. 64.)

After the kind and generous sentiments of Nonconformists towards the Church of England quoted in these pages, it would be a poor requital to hunt out from their confidential exhortations among their own people the passages which reveal evils that are preying within. It would be indeed a perilous method of attack, and no one communion in fact can afford to make it. But we are on our defence; and our argument, which is to show from the most unimpeachable testimony that the world would be no real gainer from our loss, somewhat obliges us to the ungrateful task of chronicling the failures of Christianity. The author of ‘Church and Dissent,’ after quoting a powerful array of impeachments against the Church of England (and not such paltry ones as we have occasionally glanced at) makes the following reply, and we fully acquiesce in the sufficiency of it:—

“I do not want to add any long counter arguments of my own, but will leave it to my readers to say whether upon their own showing the Dissenting system works any better” (p. 263).

71 (p. 163). *Medieval Tastes*.—Attentive observers must have seen indications of this. More cautious Nonconformists appear anxious as to how this taste may develope among them. Dr. Stoughton writes of the arrangements of Church and State:—“They have come down from ancient times, and not only are they venerable for their antiquity, but they have gathered around them almost august associations. The names of noble kings and princes and prelates are twined about the double institution. It is almost dangerous for Nonconformists, with certain tastes, to walk through our abbeys and cathedrals and to come under the spell

of that romance which encircles crown and mitre, or to ponder certain pages of our English annals in which names of illustrious ecclesiastical statesmen are prominent."—("Ecclesia," p. 35.)

The essay in this volume, on the 'Religious Life and Christian Society,' certainly indicates that the subject of monasticism in the Middle Ages has a fascination over minds trained in other communions besides that of the Established Church.

72 (p. 164). *Rationalism*.—The two following quotations are borrowed from the notes of Mr. Cubitt's speech already referred to :—

" Many of the most eminent of our ministers are preaching under trust-deeds containing statements of doctrine which nothing would induce them to utter from the pulpit."—(Rev. J. Baldwin Brown, *Congreg. Year-Book* for 1872, p. 97.)

" When you look over our denomination, you find that many of our best and ablest ministers quietly ignore and repudiate the doctrine of our trust-deeds. If we were to appoint a commission for the enforcement of our trust-deeds, we should empty nearly all the best-filled pulpits in the denomination, and the people would follow the ministers."—(Rev. D. Loxton of Sheffield, presiding at the fiftieth anniversary of the West Riding Congregational Union at Huddersfield. *West Riding Congregational Register* for 1850, p. 16.)

Mr. James Grant, in the *Christian Standard* of October, 1872, dwells on "the semi-infidelity which under the seemingly innocent designation of rationalism, is doing its deadly work both in the Church and amongst the Nonconformists." He singles out "the two great Nonconformist denominations—the Congregationalists and Baptists," to the latter of which he himself belongs, and says of them :—" Probably there are at least about twenty journals published at intervals of a week, a month, or a quarter, which openly identify themselves with the Congregationalist or Baptist denominations ; and I will ask any one to point out to me six of that number that are thoroughly sound in the faith—that is, that advocate, defend, and enforce those doctrines which I have enumerated in a previous part of this paper, as constituting all that is vital in the scheme of our common Christianity." In the number for June 19th, 1873, the *Christian Standard* enters at length, and with some severity, upon what he believes the vital shortcomings of a popular and widely circulating Nonconformist periodical, the *Christian World*.

Mr. Grant, in his 'Religious Tendencies of the Times' (1869), wrote :—" With regard to Nonconformist ministers, I express my deliberate conviction, formed after ample opportunities of coming to a right conclusion, that the majority of their number do not now entertain, and of course do not preach, important doctrines in which they professed to have a full faith at the time of their ordination, and to which they solemnly engaged to give due prominence in their pulpit administrations" (p. 442).

The Rev. C. H. Spurgeon thus mournfully depicts the dangers ready to invade all the Christian communities alike :—"Casting our eye around upon the churches, we confess to feeling some alarm and much distress. On all hands there appears to be a breaking up, a craving for novelty, a weariness of the once-honoured truth. The church seems to be coqueting with Infidelity, while at the same time she is toying with Ritualism. Of the two lovers between whom apostate churches are wavering we know not which to abhor the most. . . . Yet all the religious world seems to have gone after them in some way or another, and those who are not overcome by their enchantments are accounted unenlightened, bigoted, and out of date."—(*Sword and Trowel*, 1871. Preface.)

73 (p. 175). *Parliament and the Church*.—The present Archbishop of Canterbury has expressed his belief that "if the clergy and laity were unanimous in any demand, Parliament would not resist it." "Parliament," his grace also said, "holds back from sanctioning any measure of Church Reform which it is not evident the Church, in the persons of its clergy and laity, desires." (Address to the Archdeacons and Rural Deans, October 3rd, 1871.) His Grace's 'Charge' (pp. 55—63) supports a similar opinion by an appeal to recent legislation.

74 (p. 182). *Shortcomings admitted*.—Dr. Stoughton has remarked :—"It appears to me that ecclesiastical principles of Divine authority have been decidedly seized but not thoroughly grasped by Congregationalists."—('Ecclesia,' p. 43.)

Rev. J. Baldwin Brown :—"The formation of Christian society was the great problem of Providence during all those ages. Alas! it is the great problem still. But the terms of the problem have been constantly misunderstood, and by none more perversely than by the great evangelical party, the very backbone of which has been Nonconformist."—(*Ibid.* 136.)

"I suppose we are most of us doing the world some service by institutions and methods which, if they had the whole field to themselves, would be fatal to its life. A dark thought sometimes crosses one as to how things might go if the whole world were suddenly turned into a huge Independent church."—(*Ibid.* 156.)

75 (p. 183). *Forbearance of Opponents*.—Mr. Roebuck, at the presentation of the testimonial to him at Sheffield (March 19, 1869), was reported to have said in the course of his address :—"I stated at the beginning of my life that I objected to church establishments, and I say so now. But I am not to shut my eyes to the great benefits derived by the people of England from the Church of England." (*Record*, March 22.)

Mr. Winterbotham, M.P. for Stroud, in declining (Jan. 5, 1871) to take part in the disestablishing movement, declared to his constituents that, although a Dissenter and detesting the principle of

an establishment, "he could not but acknowledge the enormous good being effected by the laity and clergy of the Church." (*Non-conformist*, Jan. 11.) This avowal having excited much comment among his friends, he wrote a confirmatory letter, which appeared in the same paper on February 1st.

## SECOND ESSAY

ON THE

# MAINTENANCE OF THE CHURCH OF ENGLAND

AS AN ESTABLISHED CHURCH.

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Si Ecclesia Anglicana, quæ quondam fuit posita in superbia saeculorum,  
secundum verbum Propheticum, quasi terra Gigantum, detrahatur in ruinam,  
inter Regnum et Sacerdotium divisione facta, gemat tam Populus quam  
Sacerdos.—*Litteræ Abbatum Angliæ ad Papam ap. Matth. Paris, p. 700.*

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Book of Common Prayer, and other Authorised Formularies of the  
Church of England, from the time of the Separation from Rome.

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*Erratum.*—Reference ' (27) ' on p. 337 should be ' (23) '.

## CHAPTER I.

### THE STATE ECCLESIASTICAL AND CIVIL OF ENGLAND BEFORE THE REFORMATION.

“ WHOEVER,” says Montesquieu, “ shall read the admirable treatise of Tacitus on the manners of the Germans will find that it was from them the English have borrowed the idea of their political government;—that admirable system was invented in the woods.”\* In their original seats the English possessed, indeed, along with other Teutonic nations, the constitution which the Roman historian admired; of which the essence was a jealously guarded liberty. The German tribe had not necessarily a king; its nobility was not privileged beyond the other freemen; it checked the jurisdiction of every magistrate, by means of numerous assessors; it allowed no magistracy to be exempt from the control of the great national council.

This original system was not transplanted into Britain without undergoing some modifications, but it was not altered in essence by the migration. The villages and cantons into which the German tribe was divided were reproduced in the English townships and hundreds. The tribe itself—the *populus* or *civitas* of Cæsar and Tacitus—answered exactly to the English shire. The great national council of freemen, which so struck the imagination of the Roman writers, corresponded with the shiremoor; and beyond the shire and the organism of the shire the constitution did not in theory extend. But the shires were now kingdoms, or parts of kingdoms; and the kings who had led their people across the ocean into the land of the strangers were grown more powerful by far than

\* *Esp. des Lois*, I. xi. ch. 6.

\*\* The reference numbers in the text belong to the ‘Appendix’ at the end of the Essay.

they had been in the woods of Germania. They became the founders of a new hereditary royalty; and the noble companions, or thegns, who surrounded them became owners of many of the townships on a sort of feudal tenure.

Thus the king was supported and strengthened by a nobility holding domains under him. But the constitutional liberty of the people was not infringed by these changes. No honours paid to royalty altered the character of the king, as the chosen representative of the people, into that of an irresponsible despot. No grants of land made to the king's thegns altered the character of any township in relation to the whole community. On all public questions the king was bound to consult his national council, his Witenagemot; and whatever he did was done with their consent.\*

When the several English kingdoms embraced Christianity they embraced it as communities of freemen. They embraced it after deliberate consultation, and they immediately adjusted it to their own ancient political constitution. From the outset no church in the world has been so truly national as the Church of England; so firmly interwoven with the institutions of the country, so completely expressive of the political instincts of the people. The king appears in most cases as the first convert, the establisher of the Church; but he always acted as the representative of the people, and traces are not wanting of the care which he took to ascertain the opinions of his subjects, and to carry the nation with him. Ethelbert of Kent, the first Christian king in the island, neither prevented his subjects from embracing Christianity while he was still a heathen, nor compelled them to follow his example when he became a Christian. Edwin, the great king of Northumbria, summoned his Witenagemot, and, putting the question to each person, ascertained what was thought of the new religion, before he publicly professed it. Redwald, the East Saxon king, practised toleration by setting up the altar of Christ beside the altar of the pagan deity in the same church. In all cases Christianity seems to have been diffused by the preaching of the missionaries before it was publicly avowed.

\* Stubbs, 'Select Charters,' Introd.

The conversion of the English stands in marked and most honourable contrast with the persecution, the compulsion, the bloody struggles, which attended the conversion of other nations of the same stock; for instance, the nations of Scandinavia.\*

And as Christianity was brought in by the free will of the people of the various kingdoms, so the ecclesiastical organisation which immediately followed was built on the lines of the State. The bishoprics were at first generally commensurate with the kingdoms; and when the enormous sees which were at first erected were subdivided, the subdivisions followed the boundaries marked out by earlier conquests. The bishop became one of the magistrates of the shire, along with the ealdorman and the sheriff; he took his seat in the national council, or *Witenagemot*.†

When in process of time the parochial system was brought in, and the hierarchical system completed, the ecclesiastical organisation still followed the civil distribution of the land. By the end of the seventh century the parochial system seems to have been fairly established; and, as the bishopric was the kingdom, or the shire, under another name, so, as a rule, the parish was the township under another name; and the parish priest took his place by the side of the reeve, as the officer of the township.‡ At a later period the shires became the archdeaconries, and the hundreds the rural deaneries, by which the hierarchical system of the Church of England was completed. Thus, from the beginning, the fibres of the Church were interwoven with those of the State; the Church and the State were one and the same thing under the old English constitution.

The endowments which the Church in the first instance received were, in the truest sense, the gift of the people.

\* See the same remark in Freeman's 'Norman Conquest,' i. p. 28.

† The political organisation did not, in theory at least, go beyond the shire, as we have seen. Hence the bishop is called in the English *Chronicles* the shire-bishop, even when his bishopric embraced more than one shire ('Peterborough Chron.,' an. 675).

As the shire answers to the *civitas* of Tacitus, the bishop or shire-bishop would, in theory at least, answer to the *sacerdos civitatis*, the heathen priest of the tribe. His office then was not a new addition to the existing organism.

‡ Stubbs, 'Select Chart.' Introd.

This may be allowed without fear of invalidating the claims of the Church to the possession of her endowments as private property. Private patronage came in so quickly after the admission of Christianity, that to know where public patronage ended and private patronage began we should have to return to the Heptarchic times. But the first endowments seem to have been public. A missionary came into a kingdom: he became the bishop of that kingdom, and received from the king a grant of land, on which he built a monastery or minster for himself and his fellow-labourers. The king did not make the grant on his own sole authority; he made it out of the public land, the folkland; and he made it with the consent of the witan of the kingdom in council assembled. Such grants were, a little later in history, made in writing, under the signature of the king and his witan; and land so granted was known as *bocland*, land taken from the folkland, and booked to private ownership by the act of the State. A large number of ancient charters, by which public property was thus made private, is still in existence; some of them in favour of the Church, and about as many more in favour of the king's thegns.\* The ownership of the Church stood, from the first, on the same footing as the ownership of other landlords—on the king's grant made by the consent and authority of the national council. And, as a rule, the lands of the Church were subject to the burdens imposed by the State for the common defence—the well-known *Trinoda Necessitas*, or threefold obligation of military service and a share in the repair of bridges and fortresses—duties not of the nature of those owed by the vassal to his lord, but of those owed by the citizen to the State.

From the diocesan monasteries, or cathedral seats, thus endowed in the first instance, the missionary monks went forth as itinerant preachers into all parts of the kingdoms. By their labours in those vast dioceses, churches were built and consecrated in remote places; and the multiplication of churches gradually brought in a resident clergy. The wandering mis-

\* Freeman's 'Norm. Conq.', i., pp. 92, 93.

sionaries became settled in the land. Some of the landed thegns seem to have invited them to stay with them as domestic chaplains, and to have erected chapels and churches on their own estates. It was this which gave origin to private patronage, and which also in many cases made the bounds of a parish commensurate with the extent of a manor. The parochial system was first developed by the great Theodore of Tarsus, the seventh Archbishop of Canterbury. That wonderful organiser, by whom the number of English bishoprics was raised from six or seven to seventeen, encouraged the thegns to build and endow churches on their estates, and to give their chaplains the independent position of incumbents, by conceding to them and their heirs the right of presenting to the livings (1).

The Church thus established and endowed is the Church of England at present existing. It is the oldest strictly national church of the West. Originally created by the will of English freemen, as a national institution, and grafted into the State, with which it is all but coeval, the Church has partaken of the destinies of the nation, grown with its growth, passed with it through the storms and sunshine of centuries, and stands at last the most venerable yet the most vigorous institution of the realm. It has never had any existence apart from the State: from the beginning it was embraced within the State inseparably. No measure that can be conceived, short of the destruction of the realm itself, would be so destructive of the continuity of English history, so calculated to sever present England from her own past, as the separation of Church and State. The first argument for the maintenance of the relations between the ecclesiastical and civil polity is that those relations have always existed.

Yet the historical argument—the strongest of all—in favour of the maintenance of the present relations has been put out of sight to a marvellous degree, partly by the admitted ignorance of even highly educated Englishmen concerning the history of their own country, partly by the false notions or the careless language of many modern historians. To show the antiquity and the continuity of the Church of England at present

existing—of the English State Ecclesiastical—is the first object of the historical sketch which is now to be attempted.

The period from the introduction of Christianity to the Danish invasions may be regarded as the primitive age of the English Church. In all the important points of constitution and discipline it was then that the English Church was most national and independent. True it is that Christianity was brought into England by missionaries sent from Rome; and the Church thus planted was connected with the mother church by the ties of filial piety. But the claims of Rome were not yet dangerous to national freedom; the respect which was due to Rome was paid without fear or grudging, while her advice, whenever it happened to be inconsistent with the national policy, was set aside without hesitation. The first missionary, Augustine, was not ordained bishop by Gregory until he had been accepted by the nation.\* It was the king, or rather the king in council, who from the first appointed bishops and assigned their sees; and in the first hundred years several instances occur in which the king both appointed and deposed them at will.† In one instance only was the attempt made to extend the authority of Rome beyond that of the kingdom, when the great Wilfred, Bishop of York, having been deposed and expelled by the Archbishop of Canterbury and the King of Northumbria, appealed to the Pope. But the Papal sentence in his favour was disregarded by the English metropolitan; the Papal menaces were received with laughter by the Northumbrian king and witan, and the appealing bishop expiated his offence by an imprisonment. Throughout this early period the bishoprics, of course, stood and fell with the kingdoms with which they were commensurate, following the fluctuations of conquest. Nor was the symmetrical scheme, transmitted from Rome, ever adopted, of a regular ecclesiastical establish-

\* This point is put with great force by Twiss, 'On the Letters Apostolic,' p. 72.

† Lingard's 'Hist. of the Anglo-Saxon Church,' v. i. p. 81.

ment, to consist of two archbishops, independent of one another, with twelve suffragans under each.\*

As to the archbishops, they of course received the pallium from Rome, and in several instances they were nominated by the Pope; in other instances the archbishop nominated and consecrated his own successor; in others the nomination came from the king or kingdom, the investiture from the Pope. Nothing can be made by controversialists of such variations as these; they are of no importance as touching the freedom of the English Church. The metropolitan whom the Pope invested with the pallium did a service to the whole country, in discharging his ecclesiastical duties, which can hardly be exaggerated. In passing from diocese to diocese in his province, he passed from kingdom to kingdom; he presided over those truly national meetings which partook of the nature both of a gemote and a synod, at which the local king and his nobility attended, and met the bishops of other kingdoms, who were present as suffragans, and the abbots and priests of the province; and thus the central authority of the Church, penetrating through all parts of the country, put before the various tribal or local aggregations the grand idea of the unity of the race (2). The supremacy of the Bretwalda over the other kings was faint and shadowy in comparison with the striking and positive manner in which the national unity was presented by the metropolitan; and the fortunate accident of the extinction of the Archbishopric of York for two centuries after the death of the first archbishop allowed this idea to be set forth with undivided force at the time when it was most needed.†

\* This Roman model was first propounded in a letter sent to Augustine by Pope Gregory (Bæd. i. 29). The metropolitan sees were to have been London and York; and the northern province was no doubt, as Mr. Freeman observes, intended to take in all Scotland. The scheme showed absolute ignorance of the state of England, the mutual independence of the several kingdoms, and the deliberation with which they accepted or rejected Christianity. Yet it was renewed, fifty years later, by Theodore of Tarsus (Wilkins 'Conc.' i. p. 46); and by

Bæda two hundred years later ('Epist. ad Egb.' p. 309). But Bæda was too good an Englishman to wish the scheme to be adopted on the sole authority of the Pope. He wished it to be done 'habito majore concilio, et consensu pontificali simulet regali.' On the grant of Peter pence to Rome, see Appendix 6.

† It is true that a second metropolitical see was erected; but the short time that Lichfield existed as such—about twenty years towards the end of the eighth century—seems hardly worth taking into account.

With the ninth century the first series of the Danish invasions began; and at the end of seventy years of calamity the ecclesiastical and social system of England was partially broken up. Northumbria, East Anglia, and great part of Mercia returned to heathenism. In many parts the cathedral and parochial clergy disappeared, and the monastic order was almost annihilated. In many cases the lands granted to the monasteries were resumed by the kings, or parcelled out among the nobles. The monks who survived the massacres of their brethren went back to the life of the world; or, if they returned to the scenes of their former piety, it was in company with others who had no taste for a religious profession, and the monasteries were turned into houses of secular canons. Thus was completed the secularisation of monasteries, a process which had been going on long before the Danish inroads. To restore the monastic institute was the design of the great Alfred and his immediate successors—a proof in itself that the monks were a benefit to the nation; but those kings found few of their subjects willing to make the religious profession: and the restoration of English monasteries must be referred to the later age of Edgar and Dunstan. It is certain, however, that throughout this early period there was none of that violent animosity between monks and canons, between regulars and seculars, which afterwards arose, and which was caused by foreign influences (3).

To the same calamitous period belongs the celebrated grant of tithes, *praedial* and personal, made by King Ethelwulf to the clergy.\* On the greatly controverted subject of tithes we need say little, and we need not desert the region of certainty. It is certain, then, whatever be thought of Ethelwulf's charter, that soon after the West Saxon kings succeeded in extending their authority over the other kingdoms, the custom of tithes was made a general law. As soon as England became one, the payment of tithes is known to have been general. It is equally certain that this provision for the clergy was not the work of a single age or man. The first mention of tithes in connection

\* A fair account of the controversy on Ethelwulf's charter is given in the

notes (A.) to Lingard's 'Ang. Sax. Chron.,' vol. i.

with English history speaks of them as already in existence (4). Their payment has continued without interruption to the present day.

There is no need to bring in divine right to prove an indisputable right of property. The property of the clergy in tithes rests on charters, and is secured by the law. We shall speak later on of the modern confusion of tithes with taxes, one of the most recent misrepresentations of the enemies of the Church. Here we need only observe that the other modern notion is not more defensible, that tithes are wages for duty done. The clergyman cannot be deprived of them, in whatever manner he does his duty, any more than the owner of land can be deprived of the produce of his estates for failing in the duties of a landlord. Tithes, in short, are not public property in any sense. They are the form of donation which spontaneous piety took in the first instance ; and they now have the nature neither of taxes nor of wages, but of a rent-charge which one man holds upon the lands of another.

When England began to recover from the first shock of the Danish invasions, the national Church afforded for the second time the bond of union, the only means of doing away the difference between Dane and Englishman, and forming one nation out of the discordant elements. Baptism, the rite of admission into the Church, was the sign of reconciliation between the old and new Teutonic invaders of the island ; excommunication, or exclusion from the Church, was, by the laws of Alfred, the punishment of him who departed from his oath or contract. The laws of that succession of heroic princes who restored the shaken frame of England—the laws of Alfred, of Edward, of Athelstan, and of Edmund—are of inestimable value as the firm and pronounced exposition of the ancient system which prevailed before the Danish troubles. Like the older laws of Kent and Wessex, they show the elective king as the chief authority in things spiritual not less than in things temporal ; they were published and enforced in his name, but with the full consent of his witan. They advanced the civil and ecclesiastical organisation of the realm with equal pace ; they multiplied, or at least defined, the cases which fell

under episcopal cognisance; they enforced tithes; and they established an exact equality between the civil and ecclesiastical grades of dignity.\*

At the time when the constitution was thus developed on the old basis of national independence a different scene was presented abroad. Papal usurpations—the systematic assumption of rights over national churches, which was to make Rome feared and hated throughout Christendom—had their beginning in the ninth century. The false decretals began to corrupt the canon law.

The reformation of clerical discipline in the tenth century, under the successive archbishops, Odo the Severe and Saint Dunstan, in the reign of Edgar the Peaceful, is not of great interest in a constitutional point of view. Those reformers expelled the clergy from many foundations, and laboured to bring up the monastic life to a point of uniform strictness. The great quarrel between the clergy and the monks disturbed the nation and lasted with undiminished bitterness to the Norman Conquest; but it neither established the power of the Pope nor diminished the authority of the Crown. Dunstan, the father of monks, on one great occasion met the commands of the Pope with a firm refusal. King Edgar, when he expelled the clergy, and brought in the monks, did so “as the Vicar of Christ.”†

This reformation, begun on the eve of the second great series of Danish invasions, may be regarded as part of one great movement which manifested itself again when the Danish invasions had ended in the Danish Conquest, and went on from the Danish to the Norman Conquest. This was the movement to reform the English Church upon foreign models. The rule of Saint Benedict, restored in Aquitaine and France in the ninth century, by Benedict of Aniane, was brought into England by Dunstan and his coadjutors: and after Dunstan's death his work was continued by many of the abbots, who introduced the discipline of Chrodegang of Metz into their communities.

\* See these laws in their latest edition in Stubbs's ‘Select Charters.’

† *Vitiosorum cuneos Canonicorum a diversis nostri regiminis Cœno-*

*biis Christi Vicarius eliminari.* Spelman, *Conc.* i. p. 438. On Dunstan's refusal to obey the Pope, see Hook's ‘Lives of the Archb.’ v. i. p. 408.

This was part of the intrusion of foreign ideas and customs which marked the period; the resistance of the secular clergy and the monks of the old foundations must be regarded as part of the resistance of the national party to those ideas and customs; and the unmeasured charges of immorality brought against the clergy by the monks and their friends must be looked upon with the same suspicion with which the same accusations are to be regarded as they were made against the monks in their turn at the time of the dissolution of the monasteries. The great object of the restorers of monastic discipline was to enforce celibacy; and the accusations against the canons probably amounted to little more than that they were married men, and preferred the comforts of a home to living all together, with a common refectory and dormitory, in the *cœnobe* fashion. Celibacy never flourished in the English Church until it was brought in by foreign imitation and enforced by foreign conquest.

During that unhappy period the Church stood by the nation. The movement against the national clergy was part of the great social revolution which, during the miserable reign of Edward the Confessor, half conquered England before a sword was drawn. The Normanising king supported the monks; the national heroes, Godwine and Harold, either abstained altogether from intermeddling in Church affairs, or fostered the secular clergy.\* The Church remained as absolutely identified with the State as she had ever been; in her own limited corporate action she showed herself patriotic. The monks of Christ Church elected an Englishman to be their abbot, and so to be Archbishop of Canterbury; and their election was set aside by the king in favour of a foreigner. That foreigner, and another foreign bishop appointed by the king, were driven from their sees and from the kingdom, pursued by a sentence of deposition by the king (under patriotic compulsion) and the Witan of England. Their places were filled by Englishmen, who were

\* In his second volume Mr. Freeman has pointed out, for the first time, the significant opposition between Edward the Confessor's great founda-

tion of regulars at Westminster, and Harold's great foundation of seculars at Waltham.

elected by the king and the Witan, without any canonical election whatever. To the last moment of the so-called Anglo-Saxon period the Church of England showed herself as thoroughly identified with the State and nation as when she was first established.

By the Norman Conquest it seemed, at first, as if the nation and the Church had fallen irretrievably under a foreign yoke. William conquered the nation; Hildebrand subdued the Church. Blessed by the Pope, in whose name Hildebrand governed the world, marching beneath the consecrated banner of Rome, the Normans came on a crusade, to reduce to the obedience of the Holy See the insular communion which, from the days of Wilfred of York to the days of Robert of Canterbury, had never failed in all due reverence to the head of Western Christendom, yet maintained her own freedom, and treated the pretence of authoritative jurisdiction with a laughing disdain. Two hands were stretched out upon England: the hand of William grasped the nation, but could not grasp the nation without closing upon the Church. The hand of the Pope sought to seize and tear away the Church from the nation. But the nation and the Church were indivisible, being one and the same thing. The hand of the Conqueror kept them both, and compressed them into the unity of the kingdom even more firmly than they had been compressed before.

The only successful Armada ever launched by papal Rome against England was that which touched the land at Pevensey; and yet the great historical investigations of the present day all lead to the conclusion that England suffered no more than a temporary depression in the Norman Conquest, great and lasting as were the consequences of that event. Not less certain is it that the Church of England maintained her constitutional position as the Church of the nation, though she began to suffer many things of foreigners, and was brought to a nearness to Rome, a seeming dependence upon Rome, which has been the source of much popular error. From this time we must be doubly careful to keep in view the truth for which we are

contending—that the Church of England has never ceased to be an independent national Church; because it is the belief amongst a large number of persons, who are well enough informed in many other matters of history, that from an indefinite period before the Reformation of the sixteenth century there was nothing in England but Popery; and that from the Reformation is to be dated the existence of the Established Church of England. This is the more excusable because it has been fostered by the prejudices of many ecclesiastical writers, and by the incautiousness—to say the least—of some of our most popular historians.\* But it is necessary to try to dissipate an illusion so fatal to the historical argument for the Church; and, fortunately, this is no difficult task. A little renewal of acquaintance with our constitutional history is all that is necessary to show that, in the day of the greatest domination of the papacy, the power of the Pope in England was never anything but an usurpation, against which the nation and the law spoke again and again; that the normal attitude of the Church was that of defence of the national liberty; and that this attitude was most unmistakeably maintained in those critical conjunctures when Pope and King combined in the attack on freedom.

As far as the papacy was concerned, the Conquest of England was a failure. No sooner did William find himself king of the English than he showed himself anxious to rule as his predecessors had ruled. He avoided formal constitutional changes: and very few such were made at the Conquest. He showed himself resolute in controlling the claims of his ally, the Pope; in maintaining the Church as the national Church—the Church which was one with the nation; and in declaring the

\* Such expressions as that of Short, "The existence of the Church of England as a distinct body, and her final separation from Rome, may be dated from the period of the divorce of Henry VIII." ('Hist. of Ch.' p. 102), are not uncommon in writers of a certain party in the Church of England. The book from which it is quoted is one of our best known smaller Church histories. Still more to be regretted is it that no

less a writer than Lord Macaulay should have a paragraph headed 'Origin of the Church of England,' in which he says that the Church of England sprang from a coalition of the Government and the Protestants in the sixteenth century: and then should go on page after page describing the peculiarities of the Church of England, as derived from such an origin.—'Macaulay's Engl.' ch. i.

king to be, as heretofore, the source of ecclesiastical jurisdiction. He emphatically refused to do homage to the Pope for England. He ordained that no one in his dominions should acknowledge any pope whom he did not acknowledge, or receive papal briefs unless they were first shown to him. He forbade the Church to make any canons which were not first approved by him; and he allowed no bishop to punish with ecclesiastical rigour any of his barons or servants, unless by his command. These were the principal among the few formal alterations which he made, and they all tended to reduce the power of the Pope.\* At the same time he was most conciliating in his language to Rome, and was willing to renew the old customary dues, such as the Peter-pence, which his English predecessors had paid (6). Money, in fact, was the chief thing that Rome ever got from England.

Nevertheless, it is undoubtedly true that the encroaching power of Rome was let in by the Conquest: just as it is true that great changes in the condition of England followed the Conquest, though few formal constitutional changes were made by the Conqueror. Papal legates—a kind of visitor not wholly unknown before—appeared, and took up their residence in the country: where they proclaimed the jurisdiction of Rome, cited the English clergy, made a systematic deprivation of English prelates and abbots, and so delivered the Church into the hands of foreigners. The Conqueror was strong enough to allow such encroachments as these without damage to the dignity of the realm; but they were the seeds which were soon to bring forth a bitter harvest of degradation.

Great changes were, we say, unquestionably brought about by the Conquest, though a formal alteration of things was remote from the Conqueror's mind. These changes gradually worked their way into the Constitution: and the Church, as inextricably mixed up with the Constitution, was affected by them, and underwent alteration. The principal of them were briefly as follows:—The universal introduction of tenure in chief of the Crown, by which the king became the great land-

\* These were the *nova constituta* per Angliam servari, which Eadmer thought worth recording. 'Hist. Nov.' i. p. 6.

owner; the consequent change in the composition of the Witenagemot, which became the court of the king's vassals, since all its members were homagers of the king; the alteration of the judicial machinery by the institution of a central court—the King's Court—which was brought by degrees into combination with the old English system of the shire and the Shire-courts, which latter was left standing, and remains to this day; and lastly, the separation between temporal and spiritual courts.\* By each of these changes the Church was affected. The bishops and abbots became vassals of the king, and did homage for their temporalities. They were thus made to belong to the baronage; and as barons it was that they took their seats in the reconstituted Witenagemot, the national assembly, the Court of the King's Vassals, the Concilium Magnatum, the Commune Concilium Regni.† The great legal and financial offices fell into their hands. Down to the 13th century the Chief Justices and the Chancellors were mostly churchmen. But of all the measures of the Conqueror, none was so foreign to the old English constitution as the separation of the temporal and spiritual assemblies and courts. Hitherto, as we have seen, temporal and spiritual questions had been settled in the same assemblies, national or local. The archbishops, bishops, and abbots sat along with the king and nobles in the national assembly, the Witenagemot: the bishop and the archdeacon presided along with the ealdormen and sheriff in the local courts of the shire and hundred. Now, however, under the primacy of Lanfranc, began that division of the national assembly, which was to result in the separated sessions of Parliament and the Convocations of the clergy, and that separation of the local courts which resulted in the establishment of the Courts Christian, the still existing diocesan and provincial courts. The former innovation seems to have come in very gradually, without special enactment, through the numerous councils held by Lanfranc year after year, in the

\* See all these changes traced in the wonderful Introduction to Stubbs's 'Select Charters.'

† Which seats the bishops still retain in the House of Lords, which

has been well called the lineal representative of the ancient Witeuageniöt. Freeman's 'Growth of the Engl. Constit.' p. 62.

same places and at the same times as the national assemblies; in which councils the churchmen, after sitting in the national assembly, often continued to sit two or three days by themselves, when the national assembly was over.\* The latter change, the separation of the courts, is remarkable as being one of the very few formal alterations made by the Conqueror. It was made by a writ of the king and the Great Council, or national assembly. In this writ it was declared that the episcopal laws hitherto existing in England were not in accordance with the sacred canons, and were to be amended: the bishops were forbidden to bring episcopal causes—causes which involved questions of ecclesiastical law—or causes which belonged to the cure of souls, into the hundred, or to submit them to the judgment of secular men: such cases were to be brought before the bishop, at such place as he should appoint, and be decided according to the canons and the episcopal law: those who refused to obey the bishop's summons were to be excommunicated, and the assistance of the king or the sheriff called in: no layman should intromit any matter which properly belonged to the bishop's court.†

Thus the bishops, as the king's vassals, began to hold courts in their franchises, analogously to the courts of the other barons. The principle of separation here introduced between the civil and ecclesiastical powers grew to be of very serious consequence. The corruptions of the ecclesiastical courts, both diocesan and provincial, is one of the loudest notes which sound to us from and after the time of the Reformation. But the justification of the Conqueror's measure was found in the immediate popularity of the Courts Christian. They were more merciful and impartial than the courts of the barons and of the early kings, and were therefore crowded with business which did not properly belong to them.‡ It may be added, that if the design of the Conqueror in separating the temporal and spiritual courts was to preserve the jurisdiction of the bishops, but to reduce the jurisdiction of the lay barons to

\* Freeman's 'Norm. Conq.' vol. iv. p. 391.

† See the ordinance in Stubbs's 'Select Chart.' p. 81; Freeman's

'Nor. Conq.,' vol. iv. p. 392.

‡ Freeman's 'Growth of the Eng. Const.' p. 75.

insignificance—as it was reduced by the gradual transference of great causes to the king's courts and the county courts\*—then the separation must rank among the greatest instances of foresight ever given by any lawgiver.

The profligate reign of Rufus saw the beginning of the long and memorable struggle between the Church and the Crown of England. A Norman abbot, raised to the primacy of England, engaged in controversy with the supreme Governor of the Church, and appealed to a foreign power against the iniquity of the king. An English bishop had made the same appeal four centuries before, and been put in prison for his temerity; but times were changed between Wilfred and Anselm. The most memorable thing in the reign of the Conqueror's son was the breaking of the Conqueror's laws. Anselm brought in the authority of a pope unacknowledged by the king, though the Conqueror had enacted that no one should be acknowledged as Pope in his dominions without his consent. Rufus could not bring the case before the national assembly, as the case of Wilfred had been brought by the king of Northumbria: he summoned a synod of bishops to depose Anselm; and the bishops one and all declared that they knew of no law by which they could depose their own primate without the authority of Rome. The king was obliged to submit to acknowledge the Pope whom Anselm preferred. When the latter took another occasion of complaint concerning the scandalous embezzlement of the revenues of his see, and appealed to Rome, the once jealously guarded freedom of the kingdom was still more flagrantly violated. Yet Anselm was permitted to retire beyond seas, and took part in an Italian council in which the right of election to church preferments was declared to belong to the clergy alone, and censures were levelled against clergymen who did homage to laymen for preferment, and against laymen who required it from clergymen. In this memorable quarrel, the learning and virtue of the archbishop disguised his unconstitutional conduct; the disgrace of the kingdom seemed the just recompense of the vices of the king.

\* Hallam's 'Middle Ages,' vol. ii. p. 132, note.

In this stand for ecclesiastical privilege may be read the history of resistance to unbridled despotism. No English prelate would ever have taken up such a position, if the old free constitution had been standing. It had gone down for the time being, under the despotism of the Norman kings; and hence it was possible for Anselm to violate the laws of the kingdom, and yet command the admiration of the people whose rights were vested in the kingdom, because he alone, and the class of men to whom he belonged, seemed capable of offering resistance to a horrible tyranny. Throughout these ages the Church carried the sympathies of the people with her.

The contest was renewed on the return of Saint Anselm from abroad in the next reign. Henry I. was eager to repair the injuries inflicted by his brother, but still he demanded a renewal to himself of the homage which the primate had done before to his brother. No bishop had refused homage since homage had been instituted by the Conqueror. Anselm absolutely refused. He alleged the decrees of the Council of Bari, at which he had been present; and protested that he would neither do homage himself, nor hold communion with any ecclesiastic who did homage, or received investiture from a layman. The good temper of the king prevailed over the inflexible spirit of the saint: and in the compromise by which the question was settled, while the rights of nomination and of investiture with the ring and staff were yielded, the fruits of victory were secured by retaining the homage and the oath of fealty (5).

In tracing the succeeding period down to the Reformation, we have the advantage of being able to divide by centuries. The twelfth century may be called the age of the national Charters, in which the rights and the liberties of the Church, as an integral part of the kingdom, were decisively fixed. The thirteenth century is the age of Parliaments, in which the position of the clergy as an Estate of the Realm was defined. The fourteenth and fifteenth centuries are the age of legislation, in which—by a series of the greatest Acts in the Statute Books—the positions formerly laid down were further developed and secured. These are the great characters which we have to keep before us in attempting to deal generally with a vast and

complicated history ; and besides these, or rather as entering into and forming part of these, is to be observed the conduct of the Church in the national struggle for constitutional liberty, and the progress of the great contest which she maintained with Popery.

Over the period which extends from Henry I. to John is spread the great series of Charters of Liberties, which were the pledge and earnest of the return of the reign of law. In that period the reigns of great and patriotic kings were regularly divided by intervals of anarchy or tyranny ; but, in good times and bad, the winning back of lawful liberties, the limitation of irresponsible government, went on. Henry I., Stephen, Henry II., and John, all issued charters of the liberties of the realm, which were founded on one another and on those earlier laws of England, the renewal of which had been promised by the Conqueror himself. In all those charters, the first thing that was promised was to concede and observe the liberties of the Church. "In the first place I make the Holy Church of God free," declared Henry I., the Lion of Justice ; and the promise was repeated in almost the same words by the kings who came after him (6). The freedom that was meant, however, was not an unconstitutional independence of the Church on the Realm, nor a separate legal standing ; but the maintenance of the rights of the Church, as of other estates, against the illegal encroachments of tyranny. The late king, Rufus, had himself been the chief encroacher on these lawful liberties : he had kept sees vacant for the sake of getting their revenues, and had inexcusably delayed elections to ecclesiastical offices with the same design. Therefore his great successor adds, "I will neither sell, nor farm out, nor take anything from the domains of the Church, on the death of an archbishop, bishop, or abbot, before his successor come into possession."

So far was a state of unconstitutional immunity from the intention of the charters, that the second Henry, the illustrious successor of the first in the great work of restoring English law, both promised in his Coronation Charter that the Church should be free, and framed the Constitutions of Clarendon, by which the exemptions of the clergy were taken away ; and did

so without knowing of any inconsistency between the two acts. Those celebrated Constitutions were passed, as was meet, in a national council; they were signed by clergy and laymen alike; and for their object they had the reduction of all men to equality before the law. They provided that disputes about advowsons and presentations should be decided in the King's Court; that clerks accused of any crime should be tried in the King's Court for what ought to be answered there by other men, and in the ecclesiastical court for whatever should be answered there; and that the Church should not protect a convicted clerk. No archbishop or bishop was to leave the kingdom without the king's license: this to prevent running to Rome on appeals. Laymen were not to be accused before the bishop save by lawful accusers and witnesses. If a dispute arose about an estate alleged to belong to the Church as an eleemosynary benefaction (*i.e.* to be held in *franc-almoign*), it was to be settled by a jury of twelve lawful men. Elections to bishoprics and abbeys were to take place in the king's chapel, with the king's consent, and the person elect was to do homage for the temporalities. In all cases the final appeal was to the king.

This is sufficient to show that these Constitutions were no new code. They were simply a return to the ancient customs of the kingdom, so far as those customs could be restored, while at the same time the Conqueror's measure, the separation of the temporal and spiritual courts, was allowed to remain. They marked as unconstitutional the independence which Beckett and his party were labouring to establish for the clergy; they drew the Church closer within the pale of the realm, and put a limit on exemptions which would never have arisen, and would never have been permitted, except in an age of distress and wrong (7).

Up to this time the king and the Church, often striving against one another, were both the friends of the people. The king was the only source from which constitutional freedom could be recovered: the Church was the only present help and refuge amid the evils of the time. Neither the one nor the other lost their popularity through their mutual contentions.

The stand which Anselm made in the reign of the first Henry for ecclesiastical liberty was the first attempt to put a curb on the unbridled despotism of the Norman kings ; and the way in which the dispute was settled raised both parties in the estimation of the nation. The deadly struggle of the second Henry with the people's saint left the confidence of the people unshaken in the king. By the Church and the Crown, by the very conflict between the two, the people well knew that their liberties were to be recovered. The Church checked tyranny in every direction—in the king not less than in the feudal lords ; while the king, absorbing in fact in his personal government the dormant powers of the Constitution, was the only guarantee that the theocratic principle should not displace the old theory of the realm, or State ecclesiastical and civil.

But in the reign of John, the actors in the great drama of English history changed places in a wonderful manner. The Church indeed maintained her old part of friend of the people, and kept her popularity ; but the king and the barons changed their parts ; the crowning grant of the Great Charter was not the gracious work of a true successor of the two Henries, it was the ungracious concession wrung out by the hereditary enemies of liberty. All rights were endangered by the tyranny of John ; and the barons of England—at no time comparable in power to those of continental Europe—were driven to combine among themselves and to make common cause with the rest of the nation and with the Church against a danger which threatened all.

But before this there came the critical episode of the quarrel and reconciliation of the King and the Pope. Up to this time there had not been wanting occasions on which the English clergy, as a body, had been able to prove themselves ill-disposed to admit the growing pretensions of Rome. No archbishop of Canterbury, since Lanfranc, had been elected without a contest between the monks who formed the chapter and the suffragan bishops of the province. The archbishop was abbot of Christchurch ; and the monks, in claiming the right to elect their own abbot, claimed the right of electing the archbishop, and professed to obey the archbishop only because he happened

to be their abbot. On the other hand the suffragan bishops demanded a share in the election of their own primate. The dispute had broken out with fresh fury in the second Henry's reign, on the election of archbishop Baldwin; a complicated affair which was memorable as showing the unbroken independence of England with regard to Rome. In that contest the Pope and the monks were engaged in war with all that was authoritative in England; the king, the chief justice, the archbishop, the bishops, and the clergy. Appeals, mandates, suspensions, and excommunications flew about, and the parochial clergy distinguished themselves by the zeal with which they preached against the notion that the sentence of the Pope had any force in the province of Canterbury.\*

All former contests however were as nothing compared with the storm which broke out in the reign of John, when a Roman cardinal was elected to be primate of all England, in the presence of the Pope, in the city of Rome, by the Canterbury monks, who had repaired thither to defend their choice of another person against the appeal of the English bishops. In that affair all parties were to blame; king, monks, and bishops all made the appeal to Rome, and in their mutual rage betrayed the liberties of the kingdom. Innocent III. annulled the election which the monks had made at the instance of the king, and caused them to elect Stephen Langton,—to the great advantage of England, as the event proved. Hence arose the great contest between the King and the Pope. It was then that the Pope put his power to the proof by laying the kingdom under an interdict; a measure which in any other reign would probably have recoiled with ridicule on the head of him who attempted it. In the reign of John it met with a partial success, which has been pictorially exaggerated. Three English bishops were found to proclaim the interdict. Though the king confiscated the goods of all clergy who suspended their ministrations in consequence of it, yet many of the churches were closed, and the power of the Roman pontiff undoubtedly made itself felt. On the other hand three of the greatest

\* Hook's 'Lives of the Archbishops,' vol. ii. p. 552.

bishops remained faithful to the king; and in their vast dioceses the sentence of the Pope took little effect. The king was vigorous in making examples among the clergy. Those of them who remained in the country remained on condition of not observing the interdict; and there can be no doubt that the great body of them remained.\* On the whole, the thunderbolt launched by the greatest of Hildebrand's successors probably expended its force without producing any great effect. John had the nation at his back when he was menaced by a foreign power; his armies were successful in the field; no one fell away from him. Never king entered on a juster quarrel with a greater foe; and if his courage had been as firm as his temper was hot, never would king have come off with a more decisive victory.

So long as the quarrel lasted, the nation forbore to take advantage of the difficulties of the king; but no sooner did the king shrink under the hand of the pontiff, no sooner was reconciliation purchased by the infamous surrender of the kingdom to Rome, than the opposition of the barons took a determined form. John the tyrant having become the favourite son of the Pope, the rights and liberties of the realm were left without safeguard. The English Church, hitherto unhappily divided between the combatants, now threw herself into the national party. Langton, whose election had caused the quarrel, became the leader of the movement, taught the barons to combine, instructed them in English law, and played the leading part in the events which led to the Great Charter. As the Church, through the primate, first inspired the sentiment of unity into the Heptarchic kingdoms, so now, for the second time, she drew the masters of the land—the scattered shire earls and barons—together, and infused into them the spirit and the knowledge which made them secure the rights of all freemen in securing the rights of their own order.

The Great Charter, the chief edition of the former Charters of Liberties—an edition again and again re-issued with amendments

\* "The close rolls contain many letters from John for the delivery of lands and other property to such of

the clergy as refused to observe the interdict." Hook's 'Lives,' vol. ii. p. 681.

and alterations—was held through succeeding ages to be the foundation on which the rights of the Church against oppression reposed, not less than the rights of the whole realm. The liberties of the Church and nation were secured by the same instrument. And in succeeding ages the Great Charter was maintained by the heavy denunciations of the Church against those who broke it, not less than by the Statutes of the Realm, by which those denunciations were ordained (6).

The thirteenth century—the grandest of the Middle Ages—is filled by the reign of one of the worst and by that of by far the best of the Angevin kings: the reigns of Henry III. and of Edward I. In the first half of that age the feebleness and bad faith of the son of John reproduced much of the state of things which went before the Great Charter. There was the old alliance of King and Pope; the old opposition of barons, Church, and people: there was a second war—the Barons' War—ended this time only by a foughten field and a bloody victory. The barons found their leader in the great Earl Simon of Montfort: while the worthy successors of Langton as leaders of the Church were St. Edmund, Grosseteste, and Walter of Cantilupe. The great objects of attention are the struggle of the national Church with Popery, and the place of the Clergy in the now completed frame of the Constitution.

The thirteenth century was the noon-day of Papal domination. The most powerful instrument by which the Popes worked was the Canon Law, as corrupted by the false Decretals. From the time that the forged Decretal Letters of Isidore appeared in the ninth century, the Canon Law—originally consisting of the regulations, constitutions, and sentences of the Fathers—became more and more a mere collection of the epistles of Popes, founded on the supreme legislative power of the Holy See, and growing more extravagant in pretension with every addition (7). It was from the thirteenth century that these Roman collections began to corrupt the ecclesiastical law of England,\* the old *episcopales leges* to which

\* So far as they did corrupt it, much less than is generally thought; see Appendix 7. Most of the letters

of the Popes concerning jurisdiction, that are found in the collections of the Roman canon law, were written to

William the Conqueror referred, when he separated the temporal and spiritual courts: and which were in fact no Canon Law at all in the ordinary sense of the word, being laws made in full Witenagemot, not the constitutions of churchmen, except in a few unimportant instances. This was the age in which the archbishops, bishops, and clergy of England were gathered together to receive the canons of foreign legates—a spectacle never witnessed before (except on two widely-separated occasions, and a third exceptional one<sup>(7)</sup>), and never witnessed since. The indignation of the churchmen who underwent this indignity through the weakness of the king was great and fitly expressed: and throughout this age the Church of England amply proved herself anti-papal and patriotic. A letter denouncing the abuses of the Roman See was sent to the Pope himself in the name of the whole clergy and people of the province of Canterbury: one of the most remarkable documents connected with our ecclesiastical history<sup>(8)</sup>. But in spite of all resistance the Simoniacal contract between the King and the Pope wrought great mischief: the rights of patrons were broken; the livings were filled with foreigners: and the laity and clergy alike were burdened with taxes to supply the subsidies promised to the Pope by the King.

Moreover, in the next reign the extraordinary incident of the outlawry of the clergy showed that the lessons of the Roman Canon Law had not been without effect. Edward I. taxed the clergy heavily along with the rest of his subjects. Yet he had the clergy with him, as he had the nation, because he was trusted as a patriot who spent in the public service the sums which he exacted. Even when his demands became excessive—as they certainly did—they would have been granted, though with some delay and difficulty, had not Archbishop Winchelsea suddenly undertaken to play the part of Saint Thomas of Canterbury. In a large but somewhat anomalous assembly of the clergy, which he summoned without the king's writ, in November, 1296, he produced the

English bishops: for the reason that “they were suspected, and justly so, to be more partial for their prince

than the prelates of any other kingdom.” Downing's ‘Disc. on the State Ecclesiastical,’ p. 7 (Oxf. 1633).

famous bull "Clericis laicos," issued by Boniface VIII. at the beginning of the same year, in which the Pope forbade the clergy to grant any aid without the license of the Apostolic See; thus claiming authority over the property of the Church, and the exclusive right of taxing the clergy. The clergy, taken perhaps by surprise, without debate allowed the archbishop to return to the king an answer, in which they talked about having two heads appointed over them, the one spiritual and the other temporal, and offered to send to Rome for permission to make a grant to the king. This strange language was answered from the King's Bench. By refusing to contribute to the support of government they had forfeited the protection of government. They had—perhaps unwittingly—outlawed themselves. On their way home they were waylaid by robbers who took their horses from them, and even their clothes. If they resisted, they were seized for making a disturbance on the king's highway. When they reached home, they found their houses ransacked. The estates of the archbishop were seized for the king: not a single palfrey was left in his stables. At the next meeting of Parliament the clergy remained unsummoned: even the bishops, though belonging to the baronage, were ignored. This severe lesson taught the clergy where to look for the Supreme Governor of the English Church. A second council was called, in which the archbishop dissolved their assembled character by advising each man to act for himself: "Salvet suam animam unusquisque."\*

There can be no doubt that in this affair the clergy were most harshly treated from first to last. It forms part of the whole story of the financial difficulties of the latter part of Edward's reign. But the lesson was useful.

The separate action of the clergy, both in their councils and their courts, was observed with distrust by the kings and the judges, in proportion as the pontifical law was suspected of influencing their proceedings. Yet from first to last it was not found necessary to put any formal constitutional check upon them beyond the issue of Prohibitions (9). It was found suffi-

\* Compare the accounts given in vol. iii. pp. 406—16, and in Stubbs's Hook's 'Lives of the Archbishops,' 'Select Charters,' p. 478.

cient to send them writs of Prohibition, lest they should ordain anything contrary to the rights of the kingdom, or pass judgment in any case that belonged not to their jurisdiction but to that of the temporal courts. Perhaps the earliest example of the practice of Prohibitions—a bone of bitter contention in the post-reformation age—is to be found in the year 1200, when the Chief Justice made his appearance in person at a council which the Archbishop of Canterbury was holding with legatine authority, and protested against the proceedings, on the ground that they were not sanctioned by the sovereign.\* From first to last the Church never escaped the grasp of the State and the Law of England, even in the highest tide of Papal domination.

But the great work of the thirteenth century was the development of the national assembly into the form of a Parliament, effected by the genius of Earl Simon of Montfort, and Edward I. The national assembly, whether known as the Witenagemot, the Commune Concilium Regni, the Magnum Concilium, or other name, had not been, in its main character, a representative assembly. It was an aristocratic assembly: a Concilium Magnatum. Simon of Montfort added to it a chamber of representatives, consisting of knights of the shire—a title still retained by the county members—and of borough representatives. Such is a summary of the momentous change, the history of which has been traced at length by our great constitutional historians: such was the origin of the Commons, House of Parliament. There can be no doubt that the plan of representation, as it came from the hands of the first Edward, included the representation of the lower clergy in Parliament. The bishops and abbots had their place in the Upper House, as members of the baronage: and the clergy were designed to have had their representatives in the lower department of Parliament by virtue of their position in the temporal constitution—by virtue of their payment of taxes. Hence, in the writ by which the bishops were summoned to Parliament, a clause was inserted—the famous clause *Præmunientes*—admonishing them

\* Luthbury's 'Hist. of Convocation.'

to summon thither also the deans, priors, archdeacons, and the proctors of the chapters and the clergy: or, in other words, the persons who still compose the Lower House of Convocation. They were intended to be an estate of Parliament: and they were so actually for about a century. But from the end of the fourteenth century the clergy deserted their place among the Commons of England, and preferred to meet and to tax themselves in their own separate assembly—to their own great loss and damage in the long run. A century or more later they tried in vain to recover their seats under plea of the old writs which remained unaltered (10).

If the symmetrical design of Edward had taken full effect, there would have been a return on a larger scale to the state of things which subsisted before the Conquest, when the laity and clergy debated all things in one assembly, and the Church was identical with the community. As it is, the clergy in respect of the representative system, hold a position full of anomalies: and these anomalies have increased in number since the thirteenth century. The two Convocations of the Provinces of York and Canterbury have come to be substituted for the one general assembly which the clergy are entitled to hold, as an estate of the realm: or for their representation in the assembly of the estates conjoined. They are an estate of the realm, yet they are unrepresented in the national assembly. The twofold ecclesiastical synods, summoned by the archbishops, divided according to the Provinces, and different in their representative character, were originally distinct from the Convocation of the clergy by virtue of the king's writ, intended to have brought them to Parliament. Yet the two kinds of Convocation have been confused together; they have partly exchanged places and characters. The two-fold ecclesiastical synods took and exercised down to a comparatively late period the most important right that belongs to an estate of the realm, the right of self-taxation: the comparative poverty of the northern Province during the time that this right subsisted, preventing any actual inconvenience arising from the clergy, as an estate, voting their aids in two different assemblies. These synods have retained their biform character, yet they

have lost their original synodal summons, and in 1532 the clergy were compelled to agree not to meet in Convocation without the king's writ. Their sessions have been held at the same time with those of Parliament, as if they were, as an estate, co-ordinate with the assembly of the other estates conjoined; yet they have lost every power of self-government as an estate. The great error of the clergy has been not keeping in Parliament, where they were designed to be, and where indeed they were placed at first, by the great sovereign who finished the framework of our Constitution.

No sooner was the character of the national assembly determined for ever, than that great series of legislative enactments was begun, by which, long before the Reformation of the sixteenth century, long before the Submission of the clergy, the independence of the national Church was secured against the aggressions of Popery, and the exemptions and privileges claimed by the clergy were reduced. The statutes which have played the most important part in English history have been those by which the State has claimed the Church for her own.

Some of these enactments belong to the reign of the first Edward himself. The principal of these are, The Statute of Westminster First, in the third year of Edward, 1275, by which the privileges of clerkship were considerably lessened: the important Statute of Mortmain, 1279, which aimed in the first instance to prevent the fraudulent transfer of property to an ecclesiastical body, in order to evade payment of the services due from such property to the superior lord; and the Statute Circumspecte Agatis, 1284, which defined the jurisdiction of the temporal and spiritual courts, removing from the latter a number of cases hitherto tried therein.

But the majority of them belong to the fourteenth century, that great legislative age, in which the encroachments of the Roman See were met by successive Acts of Parliament, until in the fifteenth century—an age of reaction—there seemed little left to do, and in the sixteenth century the last shadow of the pretended authority of the Pope in England was made to vanish away.

Of these papal encroachments one of the most baneful was

that known by the name of Provisions, which was nothing less than a pretended power of filling all the vacancies of the Church. This abuse had been vigorously resisted in the former age by men like Grosseteste, and was one of the chief causes of complaint alleged by the clergy and people of England in their bold letters of remonstrance to the Roman Curia. It had filled the Church with foreigners, most of them Italians, who resided abroad, and drew large sums of money out of the kingdom (8). It was effectually dealt with by the famous Statute of Provisors; by which, in case the Pope collated to any dignity or benefice to the disturbance of free elections or presentations, the collation of such dignity or benefice was to escheat to the Crown, and be disposed of by the king for one turn. A long contest ensued, which ended in the gradual disuse of the papal Provisions, though they continued in several remarkable instances down to the verge of the Reformation.\*

The Statute of Provisors was rapidly followed by a sort of supplement in the yet more celebrated Statute of *Præmunire*. The former statute, by forbidding the Pope's letters of provision to be executed in the kingdom, had the effect of causing appeals to be carried to Rome by parties who felt themselves aggrieved by the prohibition. It was therefore enacted by *Præmunire*, that whosoever drew out of the realm a plea which belonged to the King's Court, or on which judgment had been already given in the King's Court, should have a warning to answer the contempt; and, failing to appear, should be put out of the king's protection, forfeit their goods, and be imprisoned at the king's will. This important Act was repeated in more stringent terms under Richard II., and again under Henry IV. Under Henry VI. a Papal Nuncio was put in prison under this Act for delivering the Pope's letters in England: and the Pope sent to Bedford, the Regent of France, an indecently furious remonstrance against "that execrable statute."†

It is evident, then, that before the Reformation, a great deal was done in the way of constitutional enactment to stop the encroachments of Rome. Yet, in spite of statutes, the supre-

\* Appendix 5. See also Collier's  
'Ch. Hist.' Book vi.

† Collier's 'Ch. Hist.' Book vi.  
vol. iii., p. 212, Ed. Barham.

macy of Rome was in the fifteenth century strained to the utmost upon the Church of England by the ambitious pontiff Martin V. The English sees were filled under papal Provision, the Pope's nephew was made Archdeacon of Canterbury, foreigners held the churches under lavish dispensations for non-residence, and yet the English were overlooked by the Pope in the preferments of his own court. These abuses had to be represented seriously at Rome by English ambassadors, and were checked by the terms of a Concordat between the English and Roman Churches (11).

The two centuries before the Reformation were undoubtedly ages of great corruption in every country in Europe. Yet in England this corruption was probably less than elsewhere. Rome was the great fountain of corruption: the countries which lay more directly within reach of Rome were flooded, when England was but watered. But here it was bad enough, and it was far worse in the fifteenth century than in the fourteenth. For the fifteenth century is the age of the Lollards, of the first heresy laws, of the beginning of the tremendous religious persecutions which were to fill all Europe with blood and flame for more than two centuries onward. Under the Lancastrian kings the Church of England began to be a persecuting church. The first heresy act, in the second year of the first of those kings, sets forth that "divers false and perverse persons under colour of dissembled holiness, preached and taught new doctrines and heretical opinions, made unlawful conventicles, held schools and wrote books; that they refused the authority of the bishop, and wandered from diocese to diocese stirring up the people to sedition and insurrection."\* This reads like one of Elizabeth's or James's acts against recusants. Thus, in a corrupted age, was opened the saddest chapter in the history of the Church, the chapter containing the penalties put in force against those who refused her communion. It is true indeed that the Lollards were revolutionists, holding opinions that were thought dangerous to the State; it is true that the statute *De Comburendo Heretico* was more the work of the laymen

\* 2 Henry IV., ch. xv.

than the clergy, and was made when clerical influence was at a low point: and that the persecution was urged mainly by the king, and directed against persons obnoxious to him politically. It is true that the Lollards assailed the bishops with furious rage, while the bishops were slow to put themselves in motion against them: and that the alarm caused by the Lollards was great. They were the first to reduce parliamentary warfare to a science; their petitions and motions for disseizing the temporalities of the bishops had no chance of success, but they were powerful weapons of annoyance; they are the earliest example of persistent parliamentary agitation, and they gave rise to a general feeling of the insecurity of property (12). And the Church was so far in danger that the reign of the first Lancastrian king witnessed the first parliamentary proposals for a general confiscation of Church property under plea of public benefit.\* Yet when all this is granted, the persecution of the Lollards must always be regarded as one of the most wretched parts of our history. It arose out of corruption. The Lollards were they who waxed hot, when others remained cold, at the sight of depravity and abuses: and they were persecuted to death because the sword of the State came to the help of the sword of the Church. This was the matter of fact; but under no possible arrangement of things could they have escaped persecution in that age.

Efforts to reform the Church universal were not wanting in the fifteenth century. There was the clerical reformation attempted in the great councils of Pisa, Constance, and Basle, for the restoration of morals and discipline, and the putting down of the monstrous pretensions of the papacy. In this the clergy of all nations eagerly joined, and England had delegates at all these councils. But against a doctrinal reformation the clergy as a body were unanimous; and those who sought for a doctrinal reformation were generally men belonging to the lower orders of society, or political conspirators, like Oldcastle. Yet a doctrinal reformation, not less than a moral one, was

\* Churchmen who are losing their courage at the cry that disendowment of the Church must come in time,

may revive at the thought that it has been coming ever since the days of Henry the Fourth.

rendered necessary by Rome. At the very time when Rome was successfully resisting the attempted clerical reformation, and the pontiff under whom she weathered the storm was sending messages of scandalous insolence to the rulers and bishops of England, those rulers and bishops were pressing the Lollards with the Roman figment of transubstantiation. It was that figment which was made the touchstone by which the Lollards were tried, for denying which they were burned; a most unhappy circumstance, because it is the doctrinal identity between Rome and England, and above all the acceptance in England of the Roman perversion of the Sacrament of the Altar,\* which has given rise—or helped to give rise—to the widely spread but wholly erroneous opinion that the Church of England was the same with the Church of Rome before the Reformation.

From the whole history it may be clearly seen that there never was a time when the English Church was not united with the English State: that the one is all but coeval with the other: that the history of the Church is continuous and unbroken from the earliest times. The King was always the Supreme Governor of the Church, holding the spiritual jurisdiction as he held the temporal, unable to resign either the one or the other to any foreign power without turning traitor. Popery was never anything but an encroachment, sometimes inadvertently permitted, sometimes jealously regarded; though the Church of England was bound to that of Rome, as a daughter to a mother, by intimate ties of affection and respect, which were unwillingly at last dissolved. But whatever else may have been the effect of the authority which the Pope usurped in England, it never altered the relations subsisting between the State Ecclesiastical and Civil.

\* No writer uses the word Transubstantiation before the 11th century; the Roman doctrine was not affirmed before 1215.

## CHAPTER II.

THE STATE ECCLESIASTICAL AND CIVIL OF ENGLAND DURING  
THE REFORMATION.

IN the year 1529, the twenty-first year of the reign of Henry VIII., after an interval of several years, a Parliament was called. By the end of the year 1534, the Church of England, by virtue of successive Acts of this Parliament, had abjured all shadow of dependence upon Rome, had promised to make no canons or constitutions without the king's consent, and declared her only Supreme Head on earth to be the King.

These great measures marked a revolution, if the expression may be allowed, without being revolutionary. In all of them we find a just disclaimer of revolutionary novelty: a warranted reference to what had gone before in English legislation. But that they were meant to make and perpetuate a great change, cannot be denied.

What that change was, we need be at no loss to understand. All these pieces of legislation have one object. They simply aimed at altering the foreign relations of the Church. They put an end to papal aggressions by severing finally the old tie which had so long subsisted between Rome and England. The abominable usurpations of Rome rendered this necessary at last. The Church of England had always acknowledged the Church of Rome as her mother; and in ages before the patriarch of Rome had risen to the height of his independent superiority, England had been benefited by apostolic counsel and advice. But the connection had long ceased to be anything but a source of annoyance and danger; it was to be broken now; and in carrying out the independence of the national church, the clergy took the lead. The abolition of

papal dues and appeals kept much money in the kingdom which used to be taken out of it; the rejection of the legal fictions by which the Roman supremacy was kept up, restored to the English clergy, especially the bishops, their ancient dignity and liberty. But by none of the statutes by which the separation from Rome was effected, was any new principle brought in. The independence of the Church had always existed; now no more was done than to reassert it more strongly than ever (13).

Nor again was there anything new in principle in the Submission of the clergy. They gave up the power of making canons or constitutions without the royal assent, and, by the Act that was framed upon it, this Submission was made to extend to the alleging or putting in force any canons or constitutions already existing. In other words it was enacted that it rested with the King to determine how far the Canon Law should have force within his realm. And this had always rested with the king. William the Conqueror, as we have seen, had enacted that no canons or constitutions should be made without the king's consent and foreknowledge. It was not the design of Henry VIII. to assume a new power, but to resume an old one. It was not even his design to put an end to the Canon Law itself, or to forbid the clergy from being governed as a spiritual body by spiritual laws. But, so far as the Canon Law, through papal corruptions, had grown out of harmony with the laws of the realm, it was the design of king and parliament to suspend its operation, and to stop for a time the making of additions to it, until the whole of it could be revised and brought into agreement with the laws of the kingdom. In this very Act it was therefore ordered that the revision of the Canon Law should be entrusted to a commission of thirty-two persons. An evil fate attended this intended revision. It was prevented by the death of Henry, by that of his son, and by the policy of Elizabeth (7); but the design of Henry is plain; it was not to do away with the government of the clergy, as a spiritual body, by laws passed by themselves with the royal consent; but simply to see that they enacted nothing contrary to the general laws of the realm.

With regard to the Supreme Headship of the king there was, again, nothing beyond a strong declaration of an ancient right. From the days of Ethelbert of Kent the Supreme Governor of the English Church had been the King. By the laws of Edward the Confessor he was styled the Vicar of Christ; and every succeeding sovereign had sworn to observe those laws. There was little difference between the one title and the other; yet, if there were anything of doubtful propriety in the title of Supreme Head, as at the time it appeared to Bishop Tunstall that there was, it ought not to escape notice that the limitation by which the clergy sought to satisfy their consciences was allowed by the king, and that in their Submission (though not in the Act of Parliament which followed it) his title was Supreme Head on earth, so far as the law of Christ permits (14). This title of Supreme Head was borne by Henry VIII., by Edward VI., and by Mary before her marriage. No other English sovereign has borne it. It was altered by Elizabeth into Supreme Governor. But with or without the title, the sovereign of England has always held the supreme jurisdiction in things ecclesiastical, as an inalienable prerogative; and before the Reformation the English kings had repeatedly asserted their right. At the same time both Henry who took the title, and Elizabeth who altered it, were careful to show that they intended no usurpation of clerical, that is of strictly spiritual, functions, no confounding of royal and priestly offices; nor anything else but the recovery and vindication of a power which had been transmitted to them from their predecessors (21).

We see in short an inherent right brought to the front on a particular occasion; but at the same time it must be noted that this inherent right or jurisdiction of the king was brought forward with a force of assertion which far exceeded what the occasion required; and we are met at the outset of the Reformation with a sign that we are entering on a new era. The age of Prerogative lies before us; we shall soon see Prerogative exalting itself over the liberties of the Church and nation—stifling the voice of Convocation, and trying to stifle the voice of Parliament, through two dynasties; we shall see the Church

turned about by the personal will of the sovereign, or by bishops who were but the creatures of the sovereign, and who learned the arts of tyranny so well that they alienated from the Church the great national assemblies which victoriously fought the battle of constitutional freedom, and drove out of the Church the best and the most conscientious of her sons. This we may see in the history of the Tudors and the Stuarts: but if we see nothing more than this, we shall have but a false one-sided view of history.

In all those rapid Acts by which Popery was shaken off, the ecclesiastical jurisdiction of the king secured, and the clergy brought more closely under his control, neither king nor parliament, Church nor nation, saw anything revolutionary. To all it seemed that they were simply returning to genuine antiquity, and flinging away the spurious figments with which the ambition of Rome had hidden the truth of things. The modern notion that the English Reformation was a violent revolution, urged by the furious temper of a despot; a revolution by which the past was torn up by the roots, and everything begun again, will not bear a moment's serious investigation. The Church was the same Church after the Reformation that had been in existence before it. She could never have attained her present organism either at the Reformation or at any time subsequent to it.

In the reign of Henry there was no doctrinal reformation. On the contrary, there were several authorised publications to show that the doctrine of the Church remained unchanged after the strongest assertions of the nationality of the Church. The nation remained intensely Catholic, while it beheld with approbation the pretended authority of the head of the Catholic world rejected at once and for ever. It was only when the reformation of doctrine was attempted by the small but incessantly active party of the Protestants, that national discontent on a large scale was awakened. Meanwhile the nation saw with complacency the prospect opened of reform by royal Injunctions and Acts of Parliament, which struck at the abuses of the ecclesiastical system, and left Catholic doctrine, as it seemed, standing unimpaired. The corruption of the

Church, the subject of satire and indignation for two centuries, was known to be incurable from within. Three great Councils within the last hundred years had failed to do anything, notwithstanding the efforts of the best men among the clergy. It was time, in England at least, for the king and the nation to take the great work in hand.

But it must not be supposed that there were no elements at work in the time of the Reformation which could not have been found in any preceding period. The very necessity, to which we have just alluded, of an attempt to define the doctrines held by the Church of England after the assertion of the Royal Supremacy, shows that this was not so. Such an attempt was something new. It arose out of the general disquiet of the times, in which the clerical, or as it is called by some writers the Anglican, party, not disinclined of itself to certain kinds of reform, found itself on the one hand drawn forcibly forward by the king and Parliament, and on the other hand confronted by the rising spirit of Protestantism brought in from Germany. This party may have been unwilling to move; it certainly moved the faster for the violent impulse given to it by the king; it witnessed with repugnance the vast revolution which took place on the Continent. But nevertheless the doctrinal reformation was put into the hands of that party from first to last. The first authorised doctrinal formulary of the English Church—the *Articles to Stablish Christian Quietness*, of the year 1536—was framed expressly to meet the state of things brought to light by the *Protestation of the Lower House of Convocation* of the same year. The final Confession of England, the Thirty-nine Articles, was equally the work of the English clergy assembled in Convocation.\*

In all this there was nothing contrariant to the realm; nothing that was not of public benefit. But when Henry after renouncing the Pope, forthwith began to imitate the Pope in appointing a Vicar-General, or Vicegerent, in ecclesiastical things, and chose such a man as Thomas Crumwel for his

\* Some exceptions to this general assertion—that the doctrinal reformation was the work of the clergy in

convocation—will occur to the students of formularies.

Vicar-General, events followed which can only be regarded as a great public calamity. The dissolution of the monasteries is not properly a part of our subject. The monasteries were not the Church of England ; and when they fell, they left the Church of England standing. But they were too intimately connected with the Church not to affect her by their fall. They were a great religious institution ; they formed societies and corporations in the Church ; at one time they had even threatened to outgrow and absorb the Church. Many of their abbots and priors sat along with the bishops in Parliament, and with the clergy in Convocation, as part of the spiritual estate ; a great number of their houses—by far the greater number—was under the jurisdiction of the ordinaries of the Church. Many of the domains appropriated to them had been turned, by their own act or <sup>the</sup> interference of Convocation, into vicarages ; these were filled either by monks who were priests, or by the clergy of the Church ; and in either case these monastic vicarages would be scarce distinguished from other parishes. Sometimes it happened that the parish church and the convent chapel were under the same roof, so intimate was the connection between the monastic institute and the Church.

On the other hand, the distinction between the two was never forgotten by either. There was no good feeling between them. The feud was ancient ; the opportunities of collision were continual. From the Norman Conquest the Pope had taken every means of fostering the monasteries at the expense of the Church, and Papal Bulls are extant, which were published in the kingdom (with the royal assent), making over the lands and possessions of various churches to the monasteries.

In this manner they had swallowed up a very large proportion of the ecclesiastical endowments of the country ; not less, it is said, than half. Their increase in the great day of the Papal usurpation had been prodigious. At the time of the Conquest there were not above a hundred monasteries in England. By the end of the reign of Edward I. there were near a thousand. And though after that time there were very few founded, yet down to the reign of Henry V. there was no slackness in enriching those that were before founded, by

legacies and benefactions, which threw more and more of the land into mortmain.

It might therefore seem that the dissolution of the monasteries was to the advantage of the Church. And if the lands which the monasteries had got from the Church had been restored to her, it would have been so. But nothing was further from the minds of the spoilers of the monasteries than the good of the Church. All that had been taken from her by the monasteries—whether vicarages, or appropriations which had never been made into vicarages—passed into the hands of lay impro priators or detainers, who carried on a shameless traffic with the Vicegerent and his commissioners. The vicarages came back much poorer than they had been under the monasteries,\* and the appropriations were lost altogether. If the monasteries had remained, many of these appropriations would have been turned into vicarages, and so in fact recovered to the Church. At the opening of the Reformation the Convocation is discovered in a scheme for converting the monastic appropriations into vicarages.

It is difficult to understand the arguments about political necessity which have been advanced to justify the dissolution. The time of the great expansion of monasteries was over; they were no longer eating up the land. From the time of Henry V. not one had been founded, and few augmented; but many had been dissolved. The current had long been set against them before the sweeping measures of Henry VIII. and Crumwel; and while schools, hospitals, and colleges were founded in numbers during the fifteenth century, the monasteries had been steadily declining. There was no political necessity to put an end to them, except the necessity of gratifying political adventurers, at the head of whom was the Vicegerent himself.

As the work was carried out, it furnishes a complete model of spoliation. Every touch that adds perfection is there. There were the loudest professions for the public good, and the least possible provision for the public good; the most fantastic schemes for putting an end to taxation, and furnishing the

\* In fact, they changed their legal nature in becoming the property of laymen. See Appendix 50.

exchequer inexhaustibly, along with the most incredible waste and peculation. There was the utmost contempt for the rights of founders and beneficiaries, side by side with the most hypocritical assumptions of fairness and legality. All former dealings with monastic property, or property of any kind, sink into insignificance before the work of spoilers who pillaged, alienated, and destroyed with a rapidity and fury not to be matched in the annals of barbarism.

When the storm overtook them, the monasteries were doing the work for which they were founded. The charges of excessive corruption and laxity made against them rest on singularly little and singularly invalid evidence. Indeed, it may be said that as every law of fair dealing was broken to destroy them, so every law of evidence was broken to defame them. Such a collection of dissolute and avaricious wretches as Crumwel got together to visit and report upon them has seldom been seen; and yet it is upon the allegations of those visitors that the fair fame of the English monasteries has been blasted in the eyes of posterity.

There is no doubt, however, that the religious houses were mostly in debt, and many in great poverty. Their affairs were disordered; and the benefits of their ownership of the soil were not so great as they might have been. The great abbeys drew revenues from distant parts of the country, which received no benefit from them: and the great abbeys had a tendency to absorb the smaller houses—a tendency which had been helped by every hostile encroachment in times past. There was good reason for redistributing the monastic property, and perhaps for applying it to uses not obsolete, if any such design had existed. If any such design had existed, legislative intervention would have begun with the great houses, not the small. The great houses would have been made to colonise their own estates: the small ones would have been allowed to remain.

By the destruction of the monasteries, which changed the face of the kingdom, a great deal of what economists call “temporary distress” was caused. Multitudes of the people were made beggars and vagrants; whole towns were ruined, and partly deserted, before the community could adjust itself

to this revolution in property, so far as it ever has adjusted itself. But throughout these proceedings great care was taken to distinguish between monastic property and ecclesiastical property. The ecclesiastical property indeed which the monasteries had absorbed went with them, and thus the Church suffered great loss; but other ecclesiastical property remained untouched. The cathedral churches which had fallen into the hands of the monks—about half the cathedral churches in the kingdom—were not destroyed, but refounded, and given into the hands of the clergy of the Church. These are now known as the cathedral churches of the New Foundation. Several new bishoprics were also made and endowed out of the confiscated property. In some few cases, monastic chapels were spared because they happened also to be parish churches. As to the universities, the distinction between monastic and ecclesiastical property was so well understood, that the schools, halls, and colleges that were of monastic foundation were suppressed, while the ecclesiastical foundations were left untouched.\* These monastic foundations, immediately on their dissolution, were sometimes bought by churchmen and re-founded as belonging to the Church; sometimes their places were supplied by new establishments. So, in the preceding century, schools and colleges had been founded out of the forfeited estates of the priories, suppressed by Henry V. On this basis rests the claim of the Church of England to the universities and public schools. So far from being monastic institutions, as they have been represented to be, and liable to share the fate of the other monastic institutions, the public schools and colleges were founded by the nation and by the national clergy in opposition to the monastic system, to dispute the monopoly in education which the monasteries at one time possessed; and when the monasteries were dissolved, they were purged entirely of the monastic leaven (15).

The policy of Henry VIII. was to shew forth the realm, that is, the State ecclesiastical and civil of England, as that which always had been and was always to be. Of every formulary

\* See the 'University Calendars,' and Wood's 'Antiquitates,' pp. 63, 99.

published in his reign the object was to secure uniformity, or rather unanimity; to compose all differences under a Catholic unity. This design may be traced in the Articles to Stablish Christian Quietness, in the Bishop's Book, in the King's Book, and even in the Statute of the Six Articles. In those formularies doctrines were stretched both ways to the utmost extent compatible with any congruity, so that both the extreme parties—the Protestants and the Papalists—might be kept within the national Catholic Church, in which the mass of the people contentedly remained. With the continental churches in the full blaze of Confessions, it seemed necessary to do something to declare the faith of England; and in these formularies the king made the doctrines held by the Church, of which he was the Supreme Head on earth, as wide and all-embracing as he knew how to make them. Of all those formularies the very essence was the Real Presence of Christ in the Sacrament. From that great article of faith, and from the understanding of it in the corporal sense, the king never dreamed of departing; and in maintaining this he conceived that he kept up the connection between his national Church and the Church universal: this maintained, he could grant all latitude of thought and opinion. On these terms he expected uniformity, the acceptance by all of what he termed his "pacification" (16). He succeeded, though he met with dissidents. The toilsome despot, whom Herbert found "not bloody, save under colour of the law," was compelled from time to time to burn the heretics who denied the Real Presence, and to hang the rebels who denied the Royal Supremacy.

Henry left the kingdom at peace at home and abroad. Within little more than two years of his death half the kingdom was in revolt, clamouring for the Church and laws of Henry. Even so in times of bad government, men had formerly cried out for the laws of Edward the Confessor, or the Charter of John. The last will of Henry was set aside by the men whom he had chosen to execute it; the form of government which he had devised for his son's minority was

turned into a protectorate, and the Lord Protector Somerset and his council began that gigantic system of spoliation which reduced the Church from wealth to poverty, and those concessions to the Protestant party, which overturned the Catholic pacification or uniformity established by Henry. When the Protector fell, he was succeeded in Northumberland by a spirit more wicked than himself; who continued his work with less of scruple and more of hypocrisy. The whole reign or minority of Edward VI. was a period of almost unmixed calamity.

By Somerset and his council the great religious changes which should have been gradually brought in—if at all—were prematurely, and often illegally, thrust upon the nation. As the will of Henry was set aside, so the Anglo-Catholic system of doctrine, as he left it, was set aside, and a new creed substituted for it. Everything was to be done to gratify the Protestants, though they were only a small party in the midst of a Catholic nation. An outbreak of mob violence at the beginning of this unhappy period, by which the London churches were desecrated and despoiled, was allowed to go on scarcely checked by government. Publications, in which the old religion was reviled and the sacramental system ignored, were forced upon the parishes throughout the country, at a heavy charge to them, without the sanction of Parliament or Convocation. Before parliament assembled, an extraordinary visitation of the whole kingdom was proclaimed. The realm was divided into districts to be visited by royal commissioners. The ordinary power of the bishops was suspended by these visitors, who carried with them Injunctions—the well-known Injunctions of Edward VI.—and Articles to be enquired, and copies of the publications that were to be bought by the parishes. For this extraordinary piece of machinery, devised for the reformation of the Church by men who were prepared to steep themselves in her spoils, the precedent might unhappily be found in the last reign. They were royal commissioners, acting without the authority of parliament, who defamed and destroyed the great monasteries.

At the same time the bishops, with Cranmer at their head, took out a commission for the exercise of their office during

the life of the king. In this they declared themselves to be no more than servants or commissaries of the crown so far as their ecclesiastical jurisdiction was concerned, and their office moveable at the king's pleasure. No action of the primate has of course been more variously censured than this. All that need be here remarked upon it is that it was a strong confirmation of the nationality of the Church, that it did not originate with Cranmer (as seems to be supposed by some writers), but was the carrying out, in an extreme manner, of a provision of the great recent statute by which the election of bishops was regulated and an end put to the papal Provisions :\* that it afterwards received the sanction of parliament, and was law as long as it lasted ; and that it had nothing to do with the ordering or consecration of a bishop, but only with his discharging his office in some particular diocese.

To the high-handed measures of government, which have just been mentioned, one man was found who opposed a stout resistance. Bishop Gardiner, in this most honourable part of his career, manfully stood up for the liberties of the Church and the authority of law. The publications which were forced upon the Church, solely upon the authority of a self-appointed Protector using the name of the infant king, were ' Erasmus's Paraphrase of the New Testament,' and a book of homilies, the present First Book of Homilies of the Church of England. The former of these publications contained a preface by Udal, the translator of it, in which every old religious observance was condemned under pretence of popery and superstition. Of the latter it may be said, that it was the book of all others that shewed most strikingly the innovations that were to be introduced into the doctrine of the Church. Of the old immemorial religion of England and of Christendom, the very essence and centre was the Sacramental system. The Church of England had just declared in the most emphatic manner, after abjuring the authority of Rome, that she still maintained the Sacramental system in full, and above all the doctrine of the Real (or Corporal) Presence. This was the declaration of Parlia-

\* 25 Henry VIII., ch. xx., sect. 4. See Appendix 5.

ment; this was the burden of all the formularies of Henry. Yet here was a book evidently designed to supersede the last of those formularies—(‘The Necessary Doctrine of a Christian Man,’ commonly known as the King’s Book)—here was a book designed for the public instruction of the people in churches, and ordered to be read by every parish priest: in which there was no mention whatever of the Sacrament of the Altar, either under that or any other name: in which there was only an incidental mention of baptism and of one other Sacrament, in which the Sacraments were not deemed worthy of separate treatment, and had not even a single homily to themselves.

Gardiner protested against both these publications. The former he termed, in one word, “Abomination,” both for the malice of Erasmus and the ignorance of his translator; and complained that such a book should be authorised by the king, and a charge laid upon the realm of twenty thousand pounds by compelling every parish to buy one. As to the Homilies, he refused to have any share in their composition, when it was proposed to have them, on the ground that they were not needed; and afterwards, when they had been prepared by others, he refused to admit them into his diocese. The enormous change which they made in the public teaching of the Church cannot have escaped the eye of so acute a critic; but he based his opposition to them on other grounds. To Crammer, who had tried to explain the difference between them and the King’s Book, by saying that the late king had been “seduced” into the doctrines which he held, Gardiner replied, with cutting severity, that it was “a very strange speech” to say that the king had been “seduced,” now that he was dead, after agreeing with him all the time that he was alive.\* To Somerset he wrote in a different vein. He drew a comparison between the Homilies and the King’s Book or Necessary Doctrine of a Christian Man, which latter he justly called “The Doctrine of the Parliament.”† He took his ground, that is, upon the actual inconsistencies which he discovered between the newly-pro-

\* Strype’s ‘Crammer’ (folio), p. 151.

† Ib. App. xxxvi.

pounded doctrines and the doctrines which had been sanctioned by the authority of Parliament, an authority which here implied the previous sanction of Convocation. He stood for the rights of the civil and ecclesiastical constitution against unconstitutional innovations. When the visitation of the Kingdom by royal commissioners was proclaimed, Gardiner filled up his measure by declaring such a proceeding to be illegal. He was committed to the Fleet, and kept there till the ensuing session of Parliament was ended.

When we look at the Parliamentary annals of this reign, we can scarcely fail to be struck with a strange sense of inconsistency. The first Statute of Edward VI. breathes an air of exultation. The troubled reign of Henry was succeeded by a happier time: his stern policy might now be relaxed. "As in tempest or winter one course or garment is convenient, in calm or warm weather a more liberal case or lighter garment," so now "the strait and sore laws made in one Parliament might be repealed and taken away in the more calm and quiet reign of another prince."\* They therefore repealed Henry's laws on treason and felony; his Act which gave to royal proclamations the force of Acts of Parliament; his Six Articles, and with them every previous statute concerning religion—that is, the old heresy laws enacted against the Lollards; and all Acts restraining the reading of the Bible and other books in English. In some of their provisions they actually reached religious liberty. It was evident also, from their very first enactment, which was "against such as shall irreverently speak against the Sacrament of the Altar,"† that they were not disposed to go so far as the Government were inclined in gratifying the Protestants, nor to allow the doctrinal system of Protestantism absolutely to supersede the ancient doctrine of the Church. The legislature seems to have been animated by the feeling that great motive powers were at work in the age: and if a single great and magnanimous man had appeared to guide this instinct, the course of English history might have been different at this juncture.

Yet these were the assemblies which began under form of law

\* 1 Edw. VI., ch. 12.

† 1 Edw. VI., ch. 1.

that immense spoliation of the Church which never ended, with or without law, until she was reduced from wealth to poverty; which systematically slighted the clergy by ordering some of the most important formularies of the doctrinal Reformation to be made in committees, the share of Convocation being secondary; and which launched the Church on a perilous course, by authorising first one Prayer Book and then another by successive Acts for Uniformity.

A large mass of ecclesiastical, or half ecclesiastical, property had been spared at the dissolution of the monasteries, because it was doubtful whether it was made up of monastic or national establishments. It consisted of what were known as chantries, or chantries collegiate. There were free chapels, hospitals, fraternities, guilds, and stipendiary priests; there were trentals, or offices of thirty masses for the dead; obits, or anniversary services for the dead; there were lands and hereditaments bequeathed for the finding of a light or lamp to burn continually for the good of the soul departed. All such "promotions," the gifts of charity or superstition, were given over to the king by Edward's first Parliament, and an ecclesiastical commission was to be formed to bestow the forfeited property in endowing schools, masters, teachers, and vicars; or for maintaining "piers, jetties, walls, or breaks against the rages of the sea," the dispossessed holders receiving pensions. Oxford, Cambridge, Windsor Chapel, all cathedral churches, and the two public schools of Eton and Winchester, were exempted from the provisions of the Act.\*

It is an acknowledged principle, that property devoted to superstitious uses may be applied to other pious and charitable uses which are not superstitious. And, in a better age, the suppression of the chantries would have added to the wealth of the Church. But this was not the design of the men who promoted the bill. They who legislated for the Church in Westminster had already tasted of the spoils of the Church in the country, and desired to taste more freely. Cranmer, know-

\* The fall of the Chantries was designed by Henry VIII., and an Act for the same was passed in his last

year: 27 H. 8, 4. This was modelled on the Act under which the lesser Monasteries fell.

ing their meaning, spoke strongly against the bill, urging that things should remain as they were till the king's majority,—the very thing which the promoters wished to forestall. The “popish” bishops supported Cranmer, but in vain. The whole property was made over to the council, and universal spoliation ensued. No doubt some good was done: many grammar schools were founded in the reign of Edward VI.; but what was done bore a miserable proportion to what ought to have been done. From too many the ministers of religion became too few. The chantry priests, who might have been made assistants to parish priests, were pensioned instead. Many of them, however, were put into vacant livings, to save their pensions, by patrons who pretended the utmost horror of popery. In the pictures of the time preserved to us by the great preachers Latimer and Lever, we read of large districts, villages, and even market towns, destitute of the ministers of religion. All the old doles, bequests and distributions to the poor were swept away, and nothing took their place. Want of mercy is no unusual thing in a reforming age: but the want of justice is worse.

In this case the authority of Parliament was given to a measure of confiscation. Ere long it became a race between confiscation and peculation. Commission after commission was issued during this reign by a Government on the verge of bankruptcy, to bring in the last spoils that could be gleaned from the Church. There was one for bells, vestments, and ornaments; two for plate and jewels; a fourth to search private houses for what had been stowed away, and levy a fine on those who had stowed it.\* Peculation, it seems, had won the race. Under one pretence or another all that avarice and craft could extort was conveyed “from the king, from learning, from poverty, and from the commonwealth.”†

When the clergy saw Acts affecting their most vital interests being passed by a legislature in which they had no share, they made a desperate attempt to get admitted again into the House of Commons. The Convocation had assembled, as usual, at

\* Froude, v. 458.

in Strype's ‘Eccl. Mem.’ Book 1,

† Lever's ‘Sermon before the King,’

ch. viii.

the same time as the first Parliament of Edward: and saw that Parliament taking the Church in hand in the rough fashion above described. Their advice was unasked; nothing was submitted to them: and they could only witness the vain or lukewarm opposition of the bishops in the Lords. Still the old writs remained unaltered, by which the deans, archdeacons, and proctors were summoned to Parliament. They now petitioned Cranmer and the bishops to mediate with the Protector for the restoration of their seats. Their petitions never got an answer (10). If they had gained their perfectly legitimate demand, the condition of the Church might be different at this day. But throughout this reign there was a marked tendency to diminish the importance of Convocation. It is doubtful whether the first Prayer Book was ever submitted to them (17). Sometimes, for form's sake, their approval was had to important formularies, which at this time were, as a rule, prepared without them; as was the case with the Forty-two Articles—the English Confession of faith of the reign of Edward—and perhaps with the second Prayer Book. But, even when this was so, there were no debates, so far as we can learn; none of the keen agitation of a free assembly. The clergy met to approve the measures of committees concerning the doctrines and ceremonies of the Church.

The Prayer Books of Edward were enforced by the first and second Acts for Uniformity (18). This was the beginning of a new penal code by the very Parliament which repealed the old penal laws about religion. If the Parliament (more than the clergy) had been content to provide a model of public worship, and then allowed it to recommend itself by its own merits, it would have been well for the history of the Church of England. It would have been well if the whole question of public worship had been left to the Church herself, as heretofore. Uniformity was neither attempted nor attained by legislation in the old Catholic days—as witness those “divers forms of common prayer,” those various *Uses* which were enumerated and recalled by these very Acts. Yet the several essential parts belonging to the public order of divine service were never forgotten in those days, nor in danger of being forgotten. Well

also had it been for the Church, if the comparatively moderate Acts of Edward for Uniformity, or rather the first of them, had simply been restored after Mary, instead of being increased by the tremendous additions made by Elizabeth and Charles II. Tyrannous when enforced, contemptible in abeyance, the Acts for Uniformity have been the sore of the Church, despumating for ever in recusancy and dissent.

The reception of the first of these Acts should have proved a warning. A few days after the first Prayer Book, authorised by it, came into use, Devonshire, Cornwall, and Norfolk were up in arms, demanding the religion of their forefathers and the laws of King Henry. The nation, irritated by bad government, was goaded into fury by fanaticism. Fields were fought, cities were besieged, English yeomen were shot down by thousands by Italian mercenaries in the pay of an infamous government: English priests, who had hitherto believed themselves to be the faithful servants of the Church and nation, were hanged by scores as rebels from their own belfries. Those great religious risings were only quelled by the blood of ten thousand Englishmen.

The system of clerical subscription—another fruitful source of mischief to the English Church—came into being at this time, in a characteristic manner, with the Forty-two Articles. These articles were indeed “agreed upon” in some way by the Convocation of 1552, and published by the king’s authority, but they never had the confirmation of Parliament. But long before they had any authority whatever, they were put in circulation by some of the bishops for subscription among the clergy. Cranmer, the chief author of them, admitted in his trial that he had exhorted such as were willing to subscribe, but said that he had compelled none. Hooper, who had also a great share in making them, attempted to force them on the Worcester clergy; and was resisted by two of his prebendaries, Joliffe and Jonson. The excellent but narrow-minded bishop cried out for more powers of coercion. “For the love of God,” he wrote, “cause the articles that the king’s majesty spoke of, to be set forth by his authority.” His prayer was answered by royal mandate ordering subscription to all clergymen and

schoolmasters. But the death of Edward stopped this.\* Subscription, as will hereafter appear, was destined to become a terrible weapon in the hands of the Protestant bishops, a weapon at least as much misused against the liberties of the subject as ever the old Canon Law had been. It was the direct cause of English dissent.

When the reign of Edward VI. drew to an end, an unparalleled state of things existed. There were six bishops in prison: Gardiner, Bonner, Heath, Day, Tunstall, and Ferrars; with regard to whose revenues the most sweeping measures were taken or designed by a government desperately seeking money, and by courtiers recklessly bent on enriching themselves. Poynet, a man of infamous moral character, was put into Gardiner's see of Winchester, the Winchester estates were transferred to the Crown, and mostly bestowed on Warwick's (Northumberland's) favourites, Poynet accepting a fixed income or pension instead of them. The bishopric of Westminster was suppressed, Ridley, who was thrust into Bonner's see of London, accepting the Westminster lands and revenues instead of those of his own diocese. The London woods were cut down and sold; the London lands were divided among three of the principal courtiers, Rich, Wentworth, and Darcy. Heath's place was taken by Hooper, who thus became bishop of Worcester, while his former bishopric of Gloucester, founded by Henry VIII., was suppressed, and the estates surrendered. There was a project on foot for depriving Tunstall, and dividing his splendid diocese of Durham; but there was not time to carry this out. Some of the bishops, as Salcet of Salisbury, followed the universal example of spoliation, and began to rob their benefices by alienating manors, or letting them on such long leases, that it was almost as good as selling the fee simple of them.† The Protestants, even if sincere and zealous, as such men as Hooper and Ridley were, yet in fact were playing into the hands of the unscrupulous and avaricious laymen who filled their livings with expelled chantry priests, to avoid

\* Hardwick on the Articles, pp. 82 and 216; Wilkins, iv. p. 79.

† Froude v. 355; Lingard; Strype, 'Eccl. Mem.' Book 2, ch. 26.

paying their pensions, or simoniacally let them to their grooms and bailiffs.

Reformed service books, and scriptural articles of faith seem to be a poor thing to shew against such evils as these; yet they are the best thing which this period has to offer. The Reformation of worship and doctrine has blinded many to the fact that the seven years of Edward VI. were among the most lamentable in English history. The people were more scandalously irreligious than they ever were before or ever have been since; the rich were more greedy, the poor more wretched. This was the reign in which legal provision began to be made for the poor; a sorry substitute for the hospitals, almshouses, and other institutions of Catholic piety, which were swept away. This was the reign in which the Church began to lose her hold upon the people. Protestantism was brought in violently and immaturely; opposition of doctrine divided the clergy into hostile camps at the very time when they begun to sink into that fearful poverty which remained unrelieved for a century and a half, and for which Queen Anne's Bounty was but a partial relief. With poverty came the worst evil of poverty, "that it makes men ridiculous." The clergy began to fall into contempt (19).

Yet, after all, it must be allowed that there was something in the great changes made in Edward's reign beyond the rage of mere fanaticism. Those changes were rashly attempted, by men of unclean hands; they brought about a terrible reaction; they were followed by a final compromise under Elizabeth. But many of those changes remained fixed in that compromise; and it was through them that the reformed doctrines gained their ascendancy in the national religion.

When Mary won her way to the throne amid the rejoicings of the nation, the rule of the Protestant faction was at an end. The Reformation under Edward had left the mass of the nation unaltered in its attachment to the ancient faith. So far as it is necessary to follow the reign of Mary for our purpose, we have to look at two distinct designs—the restoration of the Catholic

religion, and the reconciliation of the kingdom with Rome. These two designs were perfectly distinct from one another; both were carried out with great skill and knowledge of antiquity by the Parliament and Convocation, but especially by the latter assembly. The one aimed at the restoration of the state of things which prevailed at the death of Henry VIII.; the other aimed at the restoration of the state of things which prevailed in the twentieth year of the same monarch, before the memorable Parliament of 1529. In the one design the independence of the national Church was preserved, as it had been asserted by Henry in his separation from Rome; in the other, the superiority of Rome was admitted, and the independence of the Church thrown back into the position which was held before the separation. Both were carried out: the one with the approbation of the nation, the other, without opposition. A comprehensive scheme for the reformation of the Church on the old principles of her constitution was entertained; and England was on the point of being recovered permanently to the Catholic world and to the Pope's obedience, when, by the most amazing of blunders on the part of the Catholic leaders, the fires of Smithfield were lighted; and, as their smoke went up to heaven, the heart of the nation turned within it, and from Catholic became Protestant for ever.

When parliament first met after Mary's accession, a bill was brought in which professed to restore religion to the state in which it was at the death of Henry VIII. All the statutes concerning religion which had been made under Edward,—the two Acts for Uniformity, for the marriage of priests, and the rest of them, to the number of nine—were abolished by one sweeping Act of repeal.\* The whole fabric of the Reformation was struck down at a blow, and the Statute by which it was demolished was put in execution almost without opposition. The married priests were removed from their benefices; the Protestant bishops were superseded by Catholic prelates consecrated by Gardiner. They were caught for having violated the Canon Law by marrying, or were told with something of grim humour that, whereas they had taken their sees by letters

\* 1 Mar. Sess. 2, ch. 2.

patent on the express condition of their good behaviour, it was now found that they had misbehaved themselves, and therefore they were deprived.\*

The Convocation meanwhile was even beforehand with Parliament in bringing back Catholicism. Nothing could exceed the violence of the speakers in the Lower House against Edward's reformation. In the Upper House resolutions were passed maintaining the Real Presence, transubstantiation, communion in one kind, the elevation and reservation of the Host. There were not more than seven or eight bishops in that Convocation, the rest of the sees being vacant. It was observed that these prelates carried themselves very haughtily towards the rest of the clergy. The want of sympathy between the higher and lower clergy had been manifest enough in Henry's days, and long before, and was one of the causes of the Reformation. It now manifested itself again, at a time when the two Houses were engaged in the same work. This was the spirit which wrecked the returning movement towards Catholicism (20).

A year later saw the reconciliation with Rome, the second great act of the ecclesiastical drama of Mary's reign. The third Parliament of Mary made a full confession to a papal legate of the "most horrible defection and schism" of the kingdom; repealed by way of penance all the laws made against the apostolic see since the twentieth year of Henry, and received on their knees the absolution pronounced by the legate on behalf of themselves and the kingdom. They made this submission on the understanding that the alienated lands and possessions of the Church should remain in the hands of the present detainers. Thus they gave up the independence of the Church, as established by Henry, on condition of preserving their own gains. At the same time they revived the old heresy laws, which had been repealed under Edward.

There was something incredibly abject and sordid in all this; and it is fair to add that this was a notoriously packed Parliament, summoned by writs in which the Queen pretty

\* Burnet, 'Coll. of Rec.' Book ii. Nos. 11, 12.

plainly intimated the work she would have done.\* But we must not be led to suppose that the reconciliation with Rome was a surrender of the independence of the National Church. It was simply a surrender of the ground taken up by Henry when he separated from Rome. It was a renewal of the relations which subsisted with Rome before the separation. Those relations we have seen to have been as between mother and daughter, and we have seen that they were never inconsistent with the nationality of the Church. This Parliament, which revived and repealed so many laws, never thought of repealing the great Statutes of Provisors and *Præmuire*, against which the Popes had chafed in vain from the time of Richard II.

The controversies which broke out in the church settlements formed by the exiles who escaped to the Continent during the persecution under Mary—the celebrated “Troubles of Frankfort”—are of great interest in theological history, but cannot concern the present inquiry. One party among the exiles was for maintaining the Prayer Book of Edward VI., another party was in favour of a simpler form of worship, and aimed at copying the bareness of Geneva. The controversy was marvellously bitter, and led to much in after times. But so long as the Prayer Book of Edward was proscribed by Act of Parliament, so long as the old religion was restored by law in the Church of England, it matters nothing to us whether the Prayer Book held its ground or not in Frankfort. Those controversies, which take up so much space in the church histories of Mary's reign, were simply quarrels among dissenters.

When Elizabeth succeeded to a kingdom defiled, beggared, and disarmed by eleven years of the government of fanatics, the factions which had prevailed so long gave at first no signs of abating their furious hostilities. The papists—strictly so called—who held every office, showed a menacing front: they held over the daughter of Anne Boleyn the appeal to Rome, the possibility of a bull of deposition. The Protestants, thinking that their time was come again, gave signs of having

\* Strype, ‘Eccl. Mem.’ ch. xix.

extravagant expectations, which it might be dangerous not to fulfil.\* Non-resistance was not yet an unchallenged doctrine: the government of women was a novelty confirmed as yet by only one unhappy precedent. There was the same outbreak of mob violence at the beginning of Elizabeth's reign that there was at the beginning of the reigns of her brother and sister. Images and crucifixes were torn down and destroyed; priests were kicked in the streets.

No part of her long reign showed the great qualities of this queen more clearly than the beginning. She neither irritated the Papists nor succumbed to the Protestants. She never forgot that she was queen of the whole nation; and that, after all, two-thirds of the nation were still Catholic. She was crowned with the ceremonies of the Roman Pontifical. She received the Popish bishops favourably, all except the blood-stained Bonner. She retained all members of the Privy Council of Mary who did not voluntarily withdraw themselves, while she added to it a number of men known to be inclined to the reformed religion, among them Cecil, a statesman to whom the reformed Church of England owes more than to any other layman. She put forth a proclamation forbidding all preaching and teaching before Parliament should assemble, and thus stopped the mouths of the bigots on both sides. In the two former reigns each side had been licensed in turn to abuse the other.

These were the signs which showed that the time for the final compromise was come. Under Elizabeth the reformed doctrines and worship were restored; and yet the Church was made as comprehensive as it had been under her Catholic father, or in the old times before him. It did not take the title of the Reformed Church, as the Calvinistic churches of the Continent did, nor of the Protestant Church, like the Lutheran churches, in any authorised formulary: so that there was nothing to indicate a break in the continuity of its existence. It remained what it always had been, a national Catholic Church: the temporal head of it an avowed Catholic

\* 'Zurich Lett.' (Parker Soc.) pp. 1, 17.

potentate.\* The Church of Elizabeth and Parker was the Church of S. Augustine and Ethelbert, of Aelfric and Alfred, of William and Lanfranc, of Henry and Cranmer.

We have hitherto met with nothing in the annals of the Reformation, to show that it ever occurred to anybody who had any share in shaping the destinies of the Church, that he was creating a new church, or that he was establishing for the first time a relation between the State and the Church; nor shall we find anything of the sort in the annals of the settlement under Elizabeth. All that they contain, or could contain, are adjustments and readjustments of the foreign relations of the Church, and of her doctrines and discipline: and what we are to regard, in the general view which we are about to take of the ecclesiastical history of this important reign, is, first, the widening of the Church on the basis of the old "pacification" of Henry VIII., with which the reign began; second, the narrowing of the Church, through a concurrence of misfortunes, in which the reign ended. The former was the work of the statesmen of Elizabeth, and of the clergy by whom the terms of communion were settled in the great Convocation of 1562. The latter was the work of foreign menaces; of the unhappy Court of High Commission; of the Bishops, as distinct in feeling from the rest of the clergy; and forms part of the great struggle between the royal Prerogative and the rights of the nation, which had its beginning in the close of Elizabeth's reign, and lasted to the English Revolution.

Whoever would understand the policy which guided Elizabeth in the beginning, should read "The Device for alteration of Religion in the first year of Queen Elizabeth, offered to Secretary Cecil:" which is said to have been drawn up by Sir Thomas Smith.† He will then see in what the Elizabethan reformation consisted,—not the bringing in of new things, but the "reducing of the Church of England to the former purity" which she had before the corruptions of Romanism. He will there see the Papists—the men who had brought England

\* See Elizabeth's well known answer when she was invited by the Pope to send representatives to Trent as a Protestant power: e.g., in Hook's

'Life of Parker,' p. 264.

† Burnet, 'Coll. of Rec.' Bk. iii., No. 1.

under the Pope again—called, perhaps for the first time, by their right name “a sect,” and carefully distinguished from the rest of the Catholics: he will see the problem solved of bringing in a reformed service book without offending the latter: and he will see the prudence and determination of the government, though threatened at home and abroad, and in want of money. But he will also see that the confiscation of church property formed part of the plan of government; as it continued to do through Elizabeth’s reign. The bishops were to be compelled to give up what little they had recovered in Mary’s reign.

It was by this Device that, before the meeting of Parliament, a committee was appointed to prepare a new Prayer Book, under the presidency of Sir Thomas Smith—a layman and a dean. The zealots on both sides had had their turn; it was to be the turn of the latitudinarians now—and time it was, if the doctrine of England were to be successfully reformed at all. Into the detailed history of the great formularies of Elizabeth—the Prayer Book, the Thirty-nine Articles, and the rest—we need not enter, valuable as they are to the theologian, as containing the final settlement of doctrine, by which England remained at once Catholic and anti-papal. Suffice it to say that they were framed with a wisdom which is most astonishing, when we consider the turbulence of the times and the character of many of those who were engaged upon them. The Prayer Book of Elizabeth was made by taking the second Prayer Book of Edward as the text, but diligently consulting his first Prayer Book: by which means it was cleared of fanaticism, made acceptable to the Catholics, and even, it is said, approved by the Pope. For the first ten years of the Queen’s reign the Catholic population resorted constantly and without offence to the churches in which that Prayer Book was used.\* The Thirty-nine Articles are the Forty-two of Edward, purged of everything by which the old religion was wantonly or fanatically insulted. They are a marvel of comprehensiveness and moderation.

While Smith’s Committee were still working at the Prayer

\* Coke’s ‘Speech and Charge,’ Lond. 1607.

Book, the first Parliament of Elizabeth met. It was undoubtedly a packed Parliament. New peers of reformed principles were created in the lords, while death and sickness had so emptied the episcopal bench that not more than ten of Mary's bishops were present at the most important debates of the session. In the commons a majority was secured by sending into the shires a list of court candidates, out of whom the members were to be chosen.\* This, however monstrous it may seem to us, was no unheard-of thing in that age. The Parliament that reconciled England with Rome was packed by Mary; the Parliament that undid the reconciliation was packed by Elizabeth. Such, it may be added, was the constitution of the Parliaments which despoiled the Church in the sixteenth century.

If the ecclesiastical policy sketched out in the "Device for alteration of religion" be such as to command a general approbation, it yet contained one unjustifiable proposal. All was to be done through a combination of the government with the laity; and from such a combination the spoliation of the Church was inseparable. In the Device it was proposed "somewhat to relieve her Majesty's necessity of money" by the means "well handled" of extorting from the clergy what they had recovered—little enough—in Mary's reign. And now the very first bill brought into the lords was for reviving the statute of Henry VIII., by which the first year's revenue of all benefices was annexed to the Crown, and one-tenth of the annual revenue of the same.† This was not certainly a simple measure of spoliation. It was no more than the seizure by the Crown of what used to go to the Pope. But it was felt as a heavy burden by the clergy for generations after. The fate of the bill was soon settled. All the bishops, to the number of eight, stood up and voted against it: all the lay lords stood up in a body, and voted for it.

This Act was modified by another, which flung the burden of payment upon the bishops. On a see falling void, the Crown was empowered to take as many of the estates belonging

\* Lingard. Strype, 'Ann.' vol. i. p. 47. † 1 Eliz. c. 4.

to it as amounted to the yearly value of all the first-fruits, tenths, and inappropriate benefices of the Crown, within the see. The first-fruits, tenths, and inappropriate benefices were thus restored to the clergy, and the bishops mulcted instead of them. Since by death or deprivation every see in England but one was avoided almost immediately, the Church suffered another heavy loss of property in this reign. Commissioners were appointed to carry out the exchange contemplated by the Act, and Elizabeth's new bishops saw with dismay their sees stripped of the best of their endowments.\* But under one pretext or another commissions of spoliation continued to be issued throughout this reign.

The rapidity with which these bills went through the Houses, was in striking contrast with the violent debates which arose upon the great measure of the session, the Supremacy bill. It went backwards and forwards from house to committee for two months before it was finished. In the lords the reduced phalanx of the "popish bishops" opposed this bill, under which they were destined to suffer deprivation.

This famous Act is entitled "An Act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same." In its first draft it scarcely differed from the statute by which Henry took the title of Supreme Head. But the Queen declined that title, and the name of Supreme Governor was substituted. Under this title the Supremacy was declared to be restored to the Crown. All the Acts of Mary concerning ecclesiastical jurisdiction were repealed, and an oath of supremacy was appended, to be taken by all official persons, lay and clerical. Then came the momentous clause empowering the Crown to put the Supremacy into commission. By letters patent under the Great Seal the Queen and her successors were enabled to assign such of their subjects as they pleased, to exercise under the Crown all manner of ecclesiastical and spiritual jurisdiction; to "visit, reform, redress, order, correct, and amend, all such errors, heresies, schisms, abuses, offences, contempts and enormities whatever,

\* Strype, 'Ann.', vol. i. p. 142.

which by any manner of spiritual or ecclesiastical power, authority, or jurisdiction, can or may lawfully be reformed, ordered, redressed, corrected, restrained, or amended."\* The powers thus granted were enormous; but, as respected heresy they were nominally restrained by a further provision in the Act, that nothing should be judged to be heresy except on the warrant of Holy Scripture, of the four first General Councils, or any other general council whose decrees were founded on Holy Scripture, or except it should be hereafter judged heresy by Parliament and Convocation.†

Such are the main provisions of the great declaratory statute by which the supreme ecclesiastical jurisdiction of the Crown was finally asserted. On this Statute several observations must be made, since the part which it has played in the history of the English Church has been great, and unquestionably beneficial. For one thing it may be observed that neither this Statute, nor any English Statute before it, know of any such distinction as has lately been drawn by some theologians between spiritual jurisdiction and ecclesiastical jurisdiction (21). In England, spiritual and ecclesiastical jurisdiction mean the same thing; and no person can exercise any spiritual jurisdiction which is not ecclesiastical. The exercise of spiritual powers, such as censures, or excommunications, by any spiritual person, beyond the law, was not contemplated in this statute; and of this the proof is that the commissioners who by this statute might be appointed to exercise the spiritual and ecclesiastical jurisdiction of the Crown, might all be laymen, so far as the words of the statute go. The Final Court of appeal in ecclesiastical causes has at various periods, in the fluctuations of English law, consisted of laymen only (9). It is more natural no doubt that it should, as now, contain churchmen also; but writers who would have the final court to consist solely of theologians and canonists, and insist that Henry and Elizabeth, when they declared the Royal Supremacy, and allowed it to be committed to others, only meant to give churchmen the power of judging in ecclesiastical causes, must be reminded that

\* 1 Eliz. i. 18.

† Ib. sec. 36.

ecclesiastical judges might all have been laymen, for aught that the original statutes say. Under these statutes were begun those various experiments in the delegation of the ecclesiastical jurisdiction of the Crown which have ended in the appointment of the Judicial Committee of the Privy Council. Of these experiments, the first was the Vicegerent or Vicar General of Henry; the next was to be the unhappy Court of High Commission in the middle of Elizabeth's reign.

To return to Elizabeth's first Parliament. The last Act which we have to notice is the Act for Uniformity, which authorised the Prayer Book, as revised by Smith's Committee. That Act is still to be read at the beginning of every Prayer Book. It is mostly made up of the two Acts passed under Edward VI., which however it makes more stringent by increasing the fines and other penalties. It was a formidable weapon that was prepared, but the times of severity were not yet. The Act remained almost a dead letter for ten years, no serious attempt being made to enforce it before the rebellion of Northumberland and Westmorland. The Prayer Book which was authorised by the Act was well received, as it deserved to be. The Catholic laymen felt no offence in resorting to the churches in which it was read; while, as to the clergy, it appeared from the report of the Royal Commissioners, who visited the kingdom the same year that it came in, that out of nine thousand four hundred beneficed clergymen in England, only one hundred and eighty-three left their benefices on account of religion; and this sum total included the fourteen bishops who were deprived on account of the supremacy oath, not on account of the Prayer Book.\* Judging from what is known of the proceedings of the Commissioners above mentioned, it can have been no very difficult task to have evaded their visit; and after the first compliance the Catholic clergy, especially in the north, probably fell back into their own ways (22).

The writers of the Zurich Letters constantly describe the

\* It also included twelve deans, twelve archdeacons, fifteen heads of colleges, and fifty prebendaries: an overwhelming proportion of dignified clergy who could not be hid.

Catholics as filled with rage and confusion by the acts of Elizabeth's first Parliament. But the "desperately affected" Protestants disliked the new service more than the Catholics. They saw the Church evading their grasp, and probably witnessed with envy the terrific outbreak of the Scottish Reformation at this very time; the smashing and ravage—the binding down of intellectual liberty with links of iron. This party, as in the days of Edward, was strong beyond its numbers, through the appointment of returned exiles to high places in the Church.

Along with the first Parliament of Elizabeth, must be reckoned the Convocation of 1562—3, as the assembly in which the doctrinal Reformation of the English Church was completed, in the spirit of moderation and wisdom. This was the Convocation in which the Thirty-nine Articles and the Second Book of Homilies were made. It was by far the most dignified Synod that had been held since the beginning of the Reformation. On the days when it was in session the House of Lords adjourned, that the bishops might be present at it; several Acts of the Parliament which sat at the time were framed according to suggestions made by this Convocation, and altogether the clergy were treated with greater respect now than under Henry or Edward. The spirit, however, which prevailed in that celebrated Synod was not admirable; there was great disunion; much was attempted, but nothing done with respect to discipline and the reformation of abuses. The futility of all efforts to touch the evils of the times stands in wonderful contrast with the power, wisdom, and moderation that were shown in dealing with doctrine. In the Thirty-nine Articles every trace of rancour disappeared from the Forty-two of Edward, while by the Second Book of Homilies the Catholicity was restored which had been lost in the First.

But as we advance in the reign of Elizabeth, we witness a wonderful change in the management of things ecclesiastical. We see liberality of administration disappear. We see the formidable Acts for Uniformity and the Supremacy of the Crown enforced to the letter. We see Subscription pressed on the clergy by the bishops not only legally but illegally, and far

beyond the warrant of any Statute ; and, along with these things, we see the increasing struggles of Popish recusancy, and the first stern arming of English Protestant dissent.

What was the cause of this fatal change, the most momentous in the history of the English Church, which has raised up her own children against her, as at this day ? The answer is, above all, the abandonment of the Church to the government of the Bishops, without the co-operation of the rest of the clergy. Elizabeth, in her Injunctions, declared that she challenged “ no authority and power of divine ministry in the Church.” She was willing to leave the government of the Church to the proper officers ; but unfortunately she deemed that she was so doing in handing over the Church to the absolute control of her bishops. It was long since the bishops had ceased to be in sympathy with their clergy. It was long since the capitular bodies had been, or had been fit to be, the diocesan councils of the bishops. The bishops had so overshadowed the rest of the clergy, that for more than a century the three estates of the realm had been spoken of as “ bishops, lords, and commons,” though in reality the estates are, of course, the clergy, lords, and commons. When they met even the higher part of the lower clergy in the Provincial Synods, an intolerable arrogance marked their demeanour (20). A deep gulf separated the episcopate from the priesthood, a gulf which the Reformation did not bridge, and which is only being bridged over now.

The bishops of Elizabeth, moreover, were not men who could command the Queen’s respect, though she resigned all into their hands. Most of them were returned exiles, the savings of the fires of Mary, many of them noted for avarice or some other vice, and extreme fanatics.

To men of the stamp of Sandys, Horne, or Pilkington, it was not enough to have tranquillity under a loose general conformity ; the peace of the Church was to such men of far less importance than standards of doctrine ; and the lenity of the government was to them a grievance and a scandal. To Jewel the golden mean seemed a leaden mediocrity, and the chariot of religion to be dragged very slowly by the horses of the

State.\* It is profoundly to be regretted that men of this sort should have been in the high places of the Church at such a juncture, when the course of the Church was to be shaped for generations to come. These were the men who found themselves sitting in High Commission, armed with all the powers of the Supremacy. They tried hard to have the blood of their imprisoned predecessors, the Popish bishops ; they entangled the consciences of their clerical brethren under the yoke of Subscription ; they succeeded in making it plain to the Catholics that they could not enter the churches of their fore-fathers without doing violence to their own consciences ; and they launched the government of the great Queen upon that course of persecution which disgraced her latter years, and was continued with endless calamity long after she was dead.

All the time that they were doing this work, nothing could be more humiliating than their treatment by the Queen. She alternately drove them on and drew them back, as if they were mere puppets of the State. Their only business, in her eyes, was to keep up a Church, for which she probably cared little, except as it was a political convenience ; and she was astonished and enraged when she found herself involved in difficulties by their management. They on their part, indeed, mistook her intentions, though with the best mind to fulfil them. She meant them to keep up the Church ; they thought that she meant them to keep up uniformity. They therefore went dead against all latitude, and made the comprehension of the Church narrower and narrower. Thus they undid what she and her statesman had begun to do. In two years the Thirty-nine Articles, well liked at first by all, became the great weapon with which the bishops smote their brethren in the Church. In eight years came “the woeful year of Subscription”—1571—when the bishops in Convocation, without deigning to consult the Lower House, issued canons ordering the Articles to be subscribed by every minister. They got their canons enforced by Act of Parliament the same year, and thus subscription became a statutory requirement. This was not enough. The bishops went on to frame Articles of their own,

\* ‘Zurich Lett.’

and to require subscription to them, beyond the laws of the realm, as they were continually told in vain by remonstrative Puritans. This was the immediate cause of dissent (23).

The ecclesiastical policy of Elizabeth becomes harder to understand, the further we get in her reign. Her statesmen maintained on the whole their latitudinarian attitude, yet her last years were disgraced by the severities of the High Commission. The Church was understood to be the ark of public safety; yet it was shut up in the manner that we have seen, while every abuse that could awaken feeling against it was suffered to remain. Parliament would have legislated vigorously for the reformation of abuses; but was continually checked, and warned to leave the Church to the Queen and her bishops.

In the treatment of the temporalities of the Church the same vacillation was observable. At one time, the restitution of impropriations was hinted at by Parliament.\* At one time it seemed as if continued spoliation was to cease. The commission for concealed lands—oppressive instruments which were stripping the clergy of what remained to them, under pretence of concealments of lands due to the Crown—were recalled by proclamation. Yet new commissions were issued. The cathedral church of Norwich, the colleges of Winchester and Manchester, narrowly escaped being stripped of all that they possessed.† The sees of York, Durham, Ely, Oxford, and Bristol, were ravaged at will by the arch-robber Leicester. Some sees lay vacant for years, the revenues being gone. On one pretence or another, the Church was dragged into the depths of poverty; she was destined to be poorest during the centuries of the nation's most rapid growth; and was unable through poverty to keep pace with the rise of the numbers of the people.

No sooner was the doctrine of the Church settled by the memorable Convocation of 1562-3, than the controversy about vestments, which had slept since the days of Hooper and the reign of Edward, broke out afresh. The square cap, the tippet, and the surplice, which ministers were to wear, were

\* Speaker William's Address, + Ib. vol. ii. p. 309.  
Strype, 'Ann.' i. 435.

denounced by the Puritans of the Church as remnants of Popery and marks of Antichrist. They had had their use, it was said, in the intermediate stage, when the nation was passing from darkness to light ; but now they might fall off. Let ministers wear a godly and distinct apparel, by all means ; but why should the bishop in his rochet, and the curate in his surplice, serve to remind the people of the mumbling massmongers of the Pope ? From some of the dioceses, petitions for indulgence were sent up ; in others, the bishops willingly connived at a laxity to which they were prone themselves. This is their only claim on the gratitude of posterity. On the other hand, the Queen's commissioners were resolute for uniformity. Stringent letters were sent by them to the metropolitan : and by him to his suffragans. A number of the bishops—Parker, Grindal, Gheast, Horne, Bolingham—met together, and drew up the celebrated “Advertisements,” which caused the first open dissent from the Church of England. They ordered a strict uniformity, and elaborately described the dress that was to be worn.\*

In the contest which ensued, the bishops were alternately spurred on by the Court to promote discipline, and abandoned by the Court when they complied. These very “Advertisements” were so called because the Queen refused to give them her ratification as royal Injunctions, though they were founded on her former Injunctions, and she had just been writing stringently to the bishops to enforce order. This was a policy of ineffectual severities. The position of the bishops was certainly most painful. They were to be made to understand that they were, in the High Commission, to do nothing beyond a prescribed line ; to watch the turns of the Queen and the lord treasurer ; to strike or forbear at the bidding of every courtier with whom the Puritans made interest. They were hardly likely to learn this lesson very well. Yet, on the other hand, if Parker had stopped when the Queen abandoned him, the fatal course would not have been begun which led to dissent and then to schism.

At the time when the bishops framed their Advertisements, they called before them the ministers of London and South-

\* Cardwell's ‘Doc. Ann.’ i., p. 321.

wark, and required them to sign a declaration of conformity. Sixty-one of them complied, nine or ten failed to appear, thirty-seven refused and were suspended. Of these many came in before the three months of suspension were over; the rest stood out, and were deprived of their livings. These were the first Dissenters; but though they took that name, they did not immediately come to an open rupture with the Church. They vigorously remonstrated against the treatment which they had received, and continued to hope for restitution. It was not till three years later, when Parliament had met again, and vainly attempted to legislate for the reformation of the Church, that they drew off, laid aside the Prayer Book, and formed separate congregations.

Both parties in this great contest agreed to stake everything on the question of habits and ceremonies. But behind this lay a far deeper question. There is extant a letter about English affairs, written at this time by the continental divine, Beza, in which the real cause of dissension is laid open very perspicuously. The business, said Beza, seemed to be about caps and surplices, and such like trifles; but behind this lay the question of church-government. Was the Church to be governed by the bishops alone, or were the presbytery to have a part in the government? At present, ecclesiastical discipline was as in the days of the papacy. Instead of a presbytery, the bishops had their deans, archdeacons, chancellors, and officials, who pronounced sentence after the canon law, at their own will, on every kind of plea. In the archbishop's courts dispensations for non-residence and the holding of pluralities were publicly on sale. The Queen and the Archbishop had power to alter the ceremonies of the Church at their pleasure, without consulting others.\*

Here was the real question. The old doctrine had fallen—the old discipline remained. There were the bishops and their officials; there were their courts and the abuses of their courts. Was it not time that they should go in England, as they had

\* The deprived ministers wrote to Beza, asking for advice. Beza thereupon writes this letter to Bullinger:

Strype, 'Ann.' ii., p. 171, and Append. No. xxix.

gone elsewhere? At least, was it not time that the presbytery should have a share in the government of the Church? So asked the Puritans, the Precisions, the returned exiles who had hit upon such terms as pastor and superintendent, in their Church settlements abroad, to avoid the very name of bishop. The reply of Elizabeth and the Anglo-Catholics was, to quash all bills in Parliament for the reformation of discipline; to pass the Act for confirming the consecration of bishops in England, as good and valid; to reject all parliamentary petitions; to stop debate by messages from the throne; and to imprison members who made any motion concerning the Church. An imbecile policy, part of it, which brought about schism, by preventing the compromise which was still possible. If there had been that knowledge of genuine antiquity which could have shown how immemorially the system of the Church was bound up with the system of the nation; how bishops and archdeacons were the counterpart of the most ancient civil functionaries; how the cathedral chapters, whether old or newly restored, were designed to form the council of the bishop, and how easily they might be extended to include all the worthiest ministers in the diocese; if all this could have been fairly seen and known, then the chasm that had been opened between bishop and clergy might have been bridged over, and schism need never have taken the place of consultation.

At the same time, we must not suppose that the Puritanic contest was a contest for religious liberty. It never was, and never was pretended to be, any such thing. It was what all other controversies were in that age, a contest of doctrine and discipline. The first Dissenters did not dissent because they held that it was unlawful for the State Ecclesiastical and Civil to put any yoke upon them. They dissented because they thought that the habits and ceremonies and bishops of the Church were popish remnants. The noble tenet of religious liberty was unknown in that age.

It was not until the bishops had been thrust forward as the declared enemies of the Puritans; it was not until the Queen again and again had stopped debates in the Commons; not

until members had hotly answered that the Commons had as well learned that there was a God to be served, as had the bishops ; and privilege had been grossly violated in the cases of Strickland, Field, and Wilcox, that an open schism began. Then, and not till then, was established the “ Presbytery of Wandsworth,” the first Presbyterian congregation formed in England. It was formed by the ejected ministers, joined by some laymen. Eleven elders were chosen, and their offices were described in a book called “ The Orders of Wandsworth.” They kept their proceedings carefully secret ; and though the ecclesiastical commissioners were aware of the existence of the Presbytery, they could never discover who were its members.\*

After this, down to the end of Elizabeth’s reign, the same scenes were enacted in Parliament, but with growing passion and intensity. At every session the house was besieged with petitions from the Puritans ; bills were framed in the Lower House, to be rejected in the Upper ; the Queen stopped debates, and referred all to the bishops,—at the same time severely admonishing the latter. Puritanic members who persisted in bringing in their “ bills and books”—or schemes of Church government—were sent to Newgate. The general discontent ran so high that it took all the great personal popularity of the Queen to override it. Whitgift’s impositions of oaths and subscriptions, beyond the Statutes, became intolerable. When men such as he and Aylmer of London, were commanded by the Queen to show more diligence in their charges, their notion of obeying was to hammer at uniformity, and vex the consciences of godly ministers. Burleigh once told Whitgift that his articles of examination were “ so curiously penned, so full of branches and circumstances, as he thought the inquisitors of Spain had not so many questions to comprehend and trap their prey.”†

At length the parliamentary struggle was brought to a close by the passing of one of the severest church acts on record, the “ Act to retain the Queen’s subjects in their due Obedience.”‡

\* Neal, ‘ Puritans,’ i. p. 243.

† Strype’s ‘ Whitgift,’ Bk. iii., App. ix., comp. App. vii.

‡ 35 Eliz. ch. i., ann. 1593. The

case of Popish recusants was dealt with separately (ch. 2.), and rather

By this, the penalty for the offence of obstinately refusing to come to church, of denying the Queen's ecclesiastical jurisdiction, or of being present at an unlawful conventicle, was imprisonment without bail until the offender should conform. In case the offender refused to make open submission within three months, he was to abjure the realm for ever. If he failed to depart, he was to be declared a felon. If he either abjured the realm, or failed to abjure, he forfeited his goods and chattels for ever, and his lands and tenements for life.

This terrible law was not much felt by the great body of the Puritans, who—ministers and people alike—still remained within the Church. But it fell with full force upon the Separatists, who had now greatly increased in numbers. It was about this time that Raleigh declared in the House that they numbered twenty thousand in Norfolk, Essex, and the vicinity of London.\* These were the Brownists and Barrowists—the forefathers of the Independents. A serious persecution of these sectaries now broke out. Many suffered imprisonment for years; some were executed, among them Barrow and Greenwood, who died with such expressions of loyalty and piety as made the Queen repent of their death.

This was the last Church Act of this reign. The Commons had received their lesson, and no more attempted to struggle with the royal prerogative during the life of the Queen. If bills were brought in against the officials of the bishops, or the spiritual courts, they were either not read or not carried; and more than one fierce message from the Queen checked any tendency to renewed ecclesiastical debate. But from henceforth the cause of Puritanism became bound up with the cause of civil liberty: the cause of the Church, anciently that of the nation and of freedom, became identified with the cause of tyranny. We are in the age of Prerogative; we see the triumph of the servants of Prerogative: a temporary triumph won at the cost of the liberties of Parliament, of the blood of loyal men, of the alienation of part of the nation. We do not see the Church.

more mildly. Yet here the fine was enormous. By the Act for Uniformity, it was twelve pence a Sunday for absence from Church: now it was

made twenty pounds a month!

\* Carwithen's 'Church Hist.' vol. i., p. 532.

Neither the great assembly of the Church, nor that of the nation, had their liberties during the calamitous period of the origin of the separation. Parliament was brow-beaten, as we have seen. Convocation, after 1562, sank into insignificance. The clergy met only to vote subsidies to the Queen; if they went beyond this, it was to subscribe and re-subscribe the Articles at the bidding of the bishops, or to pass other Articles, Canons, and Constitutions, framed by the bishops alone.\* Towards the restoration of the long-lost synodical action of the Church little or nothing was done at the Reformation. The clergy were without the means of consulting one another, the Bishops, or the laity. Under Elizabeth the well-known “Prophesyings of the Clergy” were a movement for this purpose. They were properly ordered assemblies, in the different dioceses, to enable the clergy to meet with one another, or with the laity, for consultation. They resembled the diocesan synods and conferences of the present day (39); and if they had been allowed to continue, they would have prevented many of the calamities which were destined to befall the Church; but they were repressed by the government and the bishops of Elizabeth. Grindal, the noblest ecclesiastic of that age, fell into life-long disgrace for favouring them. Separation from the Church began, not because the Church strove to impose a tyrannical yoke upon the consciences of her members, but because the Church had lost her liberties.

\* Even the great Convocation of 1562 worked with the dread of a *Præmunire* hanging over it. See Appendix 22 at the end.

## CHAPTER III.

## THE STATE ECCLESIASTICAL AND CIVIL OF ENGLAND FROM THE ELIZABETHAN REFORMATION TO THE ACT OF TOLERATION.

THROUGHOUT the dynasty of the Stuarts are to be witnessed the same high flights of the royal prerogative over the Constitution, the same unhappy handling of the Church by the bishops. The latter years of Elizabeth were the prologue of the great historical drama, with seemingly endless revolutions of the plot, which was ended at length by the advent of William, Prince of Orange, who in a manner cut the knots. The deepening of that drama began with the Queen's death. The doctrine of the divine right of kings was formally enunciated, and supplemented by the doctrine of the divine right of bishops.

Whatever be thought about the divine right of episcopacy, it is certain that it could not have become the active power which it became in the seventeenth century, without something of an essential character belonging to it. That which gave it power was purity of intention and an ideal—things which before were wanting. The modern Anglo-Catholic type of character was not fully formed in the time of Elizabeth. Her bishops were mere commissioners, men generally also of poor character and mind. But the school by which they were succeeded, the school to which Bancroft and Laud belonged, contains some of the highest names that are numbered in the roll of English episcopacy.

This change was not seen at first. In the reign of James I. the king seemed still the sole centre of ecclesiastical authority. All sought him; and the bishops appeared to be little more than the ministers who did his pleasure. Change, and the manifestation of change, are never less simultaneous than in history.

When the Queen's reign was ended, the Puritans lost no time in trying their chance with the new dynasty. In his way to London James was met by the Puritan ministers of the Church of England with the Millenary Petition, so called from the number of signatures attached to it. "We, ministers of the Gospel in this land," said they, "neither as factious men, affecting a popular party in the Church, nor, as schismatics, aiming at the dissolution of the State Ecclesiastical; but, as the faithful servants of Christ, and loyal subjects—desiring and longing for the redress of divers abuses of the Church, could do no less than acquaint your Majesty with our particular griefs." Some of them, they owned, had certainly subscribed the Prayer Book, "upon protestation, some upon opposition given them, some upon condition rather than the Church should be deprived of their ministry;" but now they all "groaning as under a common burden of human rites and ceremonies," besought relief.

Then followed their grievances—a mass of objections against rites and ceremonies still retained in the Church, against abuses in the administration of discipline, in which among other things they demanded "a uniformity of doctrine." It is an admirably worded, a "a calm and still, but deep petition," as it is called by Fuller; and it reveals in the fullest manner both the strength and the weakness of the Puritans (24). The trivial stipulations about ceremonies, the demand for "a uniformity of doctrine"—these were their weakness. Their strength lay in the just requirement of the redress of abuses: and this could not have been resisted if it had been urged alone. But it never would have been urged alone. To these men doctrine was as the breath of life; and it was resisting "man's traditions" that brought them into the spiritual courts, and caused their suspensions and other sufferings. They were not fighting the battle of liberty, either civil or intellectual; but the battle of their own opinions, or, rather let us say, of their own consciences; and they would have trampled as heavily on the consciences of others as their own consciences were now trampled upon. They demanded "a uniformity of doctrine." They would have taken all latitude

from the formularies of the Church, all freedom of thought from the clergy, and shut up everything in a sectarian straitness.

On the other hand their adversaries were defending intellectual liberty with the weapons of civil oppression. They stood for reticence, for comprehension, for mutual allowance, while they stood for the Prayer Book and the Thirty-nine Articles; but their hands were filled with articles of inquisition and the keys of gaols. Were these contradictions accidental and separable? Could the advocates of civil liberty have been liberal, or the maintainers of intellectual liberty tolerant? Theory may answer yes; but history cannot say the same. It was the illiberality of the Puritans—their weak point in the judgment of a more tolerant age—which gave them their motive power. It was the intolerance of their opponents in refusing to budge one jot from the settlement of religion made at the beginning of Elizabeth's reign, which made them the preservers of the intellectual liberty of the Church.

James already hated the Puritans. In former years they had made his state, as he said, "very little like that of a king." In Scotland he had made for six years a forced recognition of Presbyterianism; and after coming into England he had learned, in his own words, "of what sort they had been, who, preaching before him, passed over in silence his being supreme governor in causes ecclesiastical."

However, the king granted a conference to be held between the Episcopilians and the Puritans—or, we may call them, the Presbyterians—of the Church, a concession which Elizabeth had refused. The Conference of Hampton Court hardly deserved the name of conference. The Proclamation by which it was granted bore the heading, "A Proclamation concerning such as seditiously seek reformation in Church matters." To seek reformation within the Church was sedition; to go out from the Church was felony. The Conference lasted three days. On the first day the Presbyterians were not admitted at all, the conference being held between the king, the Privy Council, and the bishops. On the second day four Presbyterian delegates found themselves before the king and council, before

the two bishops who were their worst enemies, Bancroft and Cooper, and before the delegated deans. Overcome by such a presence they argued weakly, and seem to have been continually interrupted. On the third day the king and the bishops consulted together, the Presbyterians being merely called in to hear their decision. Very little came of this Conference. A few changes were made in the Prayer Book; but most of the alterations asked by the Puritans were refused. They had once more wrecked their cause on mere trifles; and as to the real abuses, nothing was said or done. Care was taken to prevent the few concessions that were made from having the appearance of being made upon request. They were submitted neither to Parliament nor to Convocation, but settled and declared by the metropolitan and some of the Ecclesiastical Commissioners, and ratified by the king's Letters Patent (25). Thus while the Puritans were slighted, the rest of the clergy were overlooked.

In the reign of James the danger of civil liberty from the growth of the prerogative continued to draw the Parliament and the Puritans together. Notwithstanding the king's interference with the elections, to prevent the return of persons "noted in religion for their superstitious blindness one way or their turbulence otherwise," his first Parliament was so Puritanic as to resume at once the course of Elizabeth's Parliaments in framing ecclesiastical bills, even with the certainty that they would be defeated in the Upper House. On the other hand the king and the bishops joined their forces in going beyond the law in dealing with the Puritans. Proclamation after proclamation for uniformity was sent forth by the king. A time was set within which all ministers were to conform and subscribe to the Prayer Book. Ten days after the expiration of the interval, Bancroft was raised to the primacy. On the very day of his appointment he received a letter from the Privy Council, urging him to proceed against the disobedient.

Bancroft was a man of severe and somewhat violent temper, and a most unrelenting enemy of Nonconformists. But he was a man of higher nature than Whitgift, his predecessor; and, in his way, an idealist. He had his weapons ready. He

had made and presented to the clergy in Convocation, a few months before, the Canons with which his name is inseparably connected (7). He now issued minute directions to his suffragans to proceed against the Nonconformists in accordance with these Canons. Truly it was difficult to escape his net (23).

In the abominable persecution which immediately broke out, three hundred Puritan ministers, according to their own historians, were deprived. According to the historians who follow the rolls of Bancroft, there were but forty-five deprived in all.\* It is certain that, whether deprived or not, a large number of ministers went into the Low Countries into exile, where they founded churches on the Presbyterian model. The hardships endured by those who remained in the kingdom were intolerable. The whole clergy of London were summoned to Lambeth to subscribe over again. Many absconded, and such numbers refused, that the bishops on the Ecclesiastical Commission had to stay their hands lest the churches should be disfurnished. The most high-handed illegality marked their proceedings. Men were required to answer upon oath to articles which they had never seen; to answer to them again on oath, without seeing their former answers; and on refusal, they were cast into prison. Lawyers were imprisoned for protesting on behalf of their clients against this illegal violence. Those who would have signed with mental reservation, were prevented by a canon (the 36th), requiring them to declare that they did so willingly and from their hearts. Fines and imprisonment were freely dealt to all who refused.

All the while the king and the High Commissioners were doubtful of their ground. They were tendering oaths, and dealing out penalties on the strength of canons which had never been ratified by Parliament, and had no more force than the king's Letters Patent could give them. They therefore called the Judges into the Star Chamber, and asked them whether these proceedings were lawful and without danger from the Statutes. The answer of the Judges was according to the wishes of the Court, that the government of the Church

\* 'Altar of Damascus,' Neal, ii. p. 35; Heylin, 'Aer. Red.' 376.

lay entirely in the hands of the Crown. The royal prerogative was favoured by the long robe.

The persecution did its work. Being forced upon one of two extremes, either a full conformity or the resignation of their ministry, a number of the best men among the clergy resolved that, if they could not keep their livings without subscribing again to Whitgift's three articles (26), and subscribing that they subscribed willingly and from their hearts, they must resign. They were called Brethren of the Second Separation. They were one with the Church in doctrine, but could not declare their hearty approbation of the ceremonies; yet they would not have become separatists if they had not been forced by Bancroft, the king, and the judges. In a touching defence which they published, they said, "We protest before Almighty God that we acknowledg the Churches of England, as they be established by lawful authority, to be true, visible Churches of Christ; that we desire the continuance of our ministry in them above all earthly things, as that without which our whole life would be wearisome and bitter to us: that we dislike not a set form of prayer to be used in our churches: nor do we write with an evil will to deprave the Book of Common Prayer, Ordination, or Book of Homilies, but to show our reasons why we cannot subscribe to all things contained in them." \*

These separatists cannot have been very numerous; and great as their provocations may have been, their separation was an utter mistake. They should have refused to be driven from the Church, to which they were so strongly attached, by any power of tyranny. Remaining in the Church, they might have aided the Church in recovering her liberties. Separated from the Church they became to her a source of weakness and danger. But the time for any great schism was not yet come. The great majority of the Nonconformist ministers remained in the Church (26); and in so doing they acted best, not only for themselves, but for the Church of their fathers and the land of their birth.

This clerical persecution however was as nothing compared with that to which the Catholics were doomed by all the powers

\* Neal, ii., p. 54.

of the realm. The king and Parliament, divided against one another by privilege and prerogative, were one in hatred of the Roman Catholics. The penal laws against recusants were put in force: the monstrous fine of twenty pounds a month for absence from Church was exacted with such rigour that many families were reduced to beggary. The king made over his claims on some of the richer recusants to some of his own needy countrymen, who were at liberty either to wring their dues by process of law, or to fix themselves as annuitants on the estates of their victims.\* All this went before the desperate scheme of the Powder Plot, one of the untoward events of English history, which flung the nation into a panic from which it did not recover for a century, and fixed upon it the almost indelible impression that every Roman Catholic must be a Jesuit, and every Jesuit a bloody-minded plotter.

While the Parliament that was to have been blown up was avenging itself by the tremendous severities of panic penal legislation, the Anglo-Catholic party gave some signs of uneasiness under the sway of the royal prerogative. That party was not bound indissolubly to the prerogative; it had before it, indistinctly as yet, the great work of maintaining the rights of the Church against the prerogative; and, if the Revolution had not bound them together again, the Crown and the Anglo-Catholics would have come into collision under the Stuart dynasty, and the Church might have headed the nation as in the days of Langton. Bancroft, the first who distinctly enunciated the divine right of bishops, was the friend of his order; and under cover of that doctrine may have seen the way to the restoration of the lost dignity of all the clergy. He maintained the divine right of Episcopacy, in the Hampton Court Conference, to the distaste of the king himself. In his Canons he made plentiful use of the old ecclesiastical weapons, such as excommunication; and the king remonstrated against the frequency with which they were employed. He also had the decency to have those Canons formally sanctioned by the clergy in the Lower House of Convocation, not concerted and agreed upon by the bishops alone. And it was again in con-

\* Lingard, v., also 1 James I., ch. iv.

junction with the Lower House of Convocation, that he made his vigorous though unsuccessful attack on the unjust issue of Prohibitions by the judges who were the creatures of prerogative (9).

These incidents may prepare us for suddenly hearing the voice of the Church herself, silent so long amid the rage of royal and episcopal tyrants, who counterfeited her, while their hands were the hands of Esau. It was the time when Overall had succeeded Nowell as Prolocutor of Convocation. By him, or Bancroft, or both, was drawn up the memorable work known as Overall's Convocation Book, which must be regarded as the only full official exposition ever given by the Church of England of the relations subsisting in the State Ecclesiastical and Civil. This remarkable work derives its importance from the facts that it was attested by the Convocations of both the Provinces, that it was confirmed by both after a detailed examination; that it therefore delivers the opinion of the whole English clergy; that it is destitute of all other authority, and that it has never been revoked. The king refused to ratify any part of it, and desired that it might not be presented to him for confirmation. To Parliament it was never submitted. A more curious history has seldom befallen any book. After being rejected by the king who carried the prerogative to the highest point, it was published for the first time, more than eighty years afterwards, by the head of the Non-juring prelates of England. It remained therefore unknown during the interval between Bancroft and Sancroft—the most important period in English history. It remained unheard amid the controversies of the time in which it was born; and it has never attracted attention since, except as a literary curiosity. Yet it is the most genuine utterance of the Church of England since the Thirty-nine Articles.

It is easy to see what James—the tyrant of the State—misliked in this book. It is difficult to see what a constitutional English king should have disliked. Never have the principles of Church and State—to use the very unhappy phrase of the day—been more plainly laid down, or more clearly drawn out. The State Ecclesiastical and Civil—to use the admirable

phraseology of the book itself—is described as existing by divine institution. Every kingdom is in one sense a civil community, in another sense a Church. The administration of the civil society is committed to magistrates, and the Church to ecclesiastical governors; but over all is the monarchy, the sign of their oneness, the only form of government of divine appointment; and the bishops and archbishops, equally with the highest civil magistrates, are to be kept in order by the sovereign prince. The royal supreme governorship is fully allowed, but it is made the pledge and safeguard of the rights, liberties, and duties of every part composing the realm (27).

There are two things more in the reign of James which claim a moment's attention. One of these is the Synod of Dort, in which the Church of England, after remaining unrepresented alike at Augsburg and at Trent, came in a strange way to be represented in an assembly composed of the representatives of all the Calvinistic Churches of Europe, except those of France: in which she contrived to show herself liberal and Arminian in an assembly which doomed the followers of Arminius to the penalties of heresy: and maintained episcopacy in an assembly where one of her own delegates was the only bishop present.

The other point is the vigorous effort of the first king of Great Britain and Ireland to spread religious uniformity over every part of his dominions. From the beginning of Elizabeth's reign the islands of Jersey and Guernsey had been filled with French Calvinists, who practised in the parish churches the worship of Geneva. After a long and intricate struggle of twenty years, Jersey was recovered to conformity with England, Guernsey remaining in the hands of the French exiles.

The restoration of episcopacy in the kingdom of Scotland was an undertaking prosperous in the beginning, but finally calamitous to the house of Stuart. The Reformation burst in Scotland with revolutionary fury, and shewed with disproportionate strength the worst features by which it was marked elsewhere. The old system was utterly swept away, instead of being reformed. The Catholic religion was abolished, Protestantism and the Presbyterian government were established

by Act of Parliament. Bishops however had not entirely died out, when James, before the union of the crowns, succeeded in re-establishing episcopacy after a long struggle, in which he shewed the political courage in which he was never wanting. After the union of the crowns, he gave his bishops what he could not before bestow—jurisdiction and an income. He gave them everything except uniformity of public worship, a public service book. That gift he left for his son.

The plantation of Ulster and the building of Londonderry, in the reign of James, were marked by a corresponding advance in the condition of the Church of Ireland, which rose from a mere appendage of the English Church into a distinct type and character. On the subject of the Church of Ireland we shall only allow ourselves one observation—that here we have a clear case of public endowment, which we have not in the Church of England. When the new plantations were formed, the clergy laid claim to a considerable portion of the lands allotted to the patentees. The bishoprics had been impoverished by the encroachments of the Irish lords: the benefices were miserably poor; the churches were in ruins. Their claim was allowed. All the ecclesiastical lands were restored: the sites of cathedral churches, and the residences of bishops were compounded for with the new patentees: the bishops were made to resign the benefices which in their corrupt poverty they held in commendam, and they received compensation out of the confiscated lands of the Irish. Every allotment made to undertakers—or colonists from England—was made into a parish with a church and glebe-lands. Free schools were endowed in the great towns, and the University of Dublin received large grants of lands and advowsons in every county.

The English Revolution has been treated by late historians too much as an era in itself, with too little connection with the history that went before it, and too little distinction made between the novelties to which it gave birth, and the mere development of latent powers that lay in the Constitution before. The names with which this tragic part of history

makes all familiar, are regarded as if they represented principles which had never been held previously. Charles stands for tyrant, and Laud for bigot: whilst it is forgotten that Charles was only one of a long line of sovereigns who carried their prerogative to at least an equal height; and Laud was a more liberal man than his predecessors Whitgift and Bancroft, and—it may be added—than many of the modern High Churchmen who delight to honour his memory. Neither he nor his master Charles had any horror of the name of Protestant: as an Arminian he was the upholder of broadness and mildness in opposition to the spirit of Calvinism. As to his ceremonies, at which even Hume cannot suppress a smile, they were drawn from antiquity, they are deemed decent in the present day, and in superstition they could not contend with the extraordinary beliefs and practices of the Puritans themselves (28). But they had to encounter the spirit which was rising in dread answer to the call of years of ill government: the spirit which led the first Parliament of Charles to declare Papists and Arminians to be alike enemies of the commonwealth.

Throughout the Revolution, the Commonwealth, and the Protectorate, the national Church continued to exist: and this fact of the continuity of the Church in such a time cannot be insisted upon too strongly. Englishmen look back with pride upon that great crisis in which their free Constitution was dragged out of the hands of an overgrown prerogative: in which everything that stood in the way of freedom was swept away. Every part of the old system lay at the mercy of the victors in that great struggle, the Church among the rest. The Church was exposed to the attacks of a considerable party, who exclaimed against tithes and a hireling priesthood: and as soon as the first civil war was over, and the Commonwealth established, that party loudly urged that the magistrate should not support by power or revenue any ecclesiastical establishment. Yet notwithstanding this the Church remained: and the continuance of her life is an argument that she was not found any hindrance in the way of solid freedom. It would have been strange indeed, if the destruction of the State Ecclesiastical had formed any part of the plan of the great patriots

of the Long Parliament, whose aim was to restore the ancient constitution. It would have been almost as strange if this had been designed by the Lord Protector, whose great mind was averse from needless change, and whose life was spent in one long struggle to get his government sheltered under the forms of the ancient constitution.

Yet the Church was roughly and not wisely handled. At the opening of the Caroline era the nation was under a religious panic. It was under the influence of the terror roused by the Powder Plot. Everything that did not savour of Geneva was thought to savour of Rome; a general but groundless apprehension was excited by the ceremonies of the Laudian party. In the first Parliament of Charles, as we have noted already, the commons voted the Arminians, that is the Laudians, to be enemies of the commonwealth no less than the papists. A party in the Church was put upon the same footing with the bold maintainers of the old religion, whom no severities could bring within it. By the Long Parliament the power of Convocation to make canons without the sanction of Parliament was taken away: a good measure, if it had been accompanied by other reforms of the anomalies of Convocation. Episcopacy was abolished by Ordinance, and Presbyterianism substituted: and with Episcopacy went Cathedral chapters. This was no doubt a grave interference with the Church.

The old controversy of church government was thus settled by the State acting in its civil capacity. The conduct of the bishops, especially in the High Commission and the Star Chamber, provoked this. But the High Commission and the Star Chamber were already abolished when Episcopacy was destroyed: and their violence against the Puritans was certainly repaid in part by the doings of the Committee to inquire after Scandalous Ministers. It was moreover unjust to visit on Episcopacy the detestation roused by those Courts. The blame of the evils arising from the High Commission rested in the first instance on those who called it into being, not on the Church. It was created by an Act of Parliament: and according to that Act not a single churchman need have sat upon it. The same argument would be applicable to the Star Chamber,

which was a court made up of noblemen, bishops, judges, and councillors, to the number of twenty-five or thirty, with the sovereign at their head, who was the sole judge being present. The determinations of this court were not according to any Statute law, but according to the royal will and pleasure: its jurisdiction was gradually extended far beyond the original limits: and yet its determinations were made as binding on the subject as an act of Parliament.\*

It was after the execution of Laud that Presbyterianism was established, in 1646. Presbyterianism was established on the basis of the old parochial system, the system almost coeval with England itself. The severities with which this measure was attended, the ejectment of episcopal clergy by the Committee for the relief of plundered ministers, were lamentable, and were at the time truly declared to be a violation of the liberties of the Church (29). But the Presbyterian establishment was even more closely connected with the State than the Episcopal establishment had been. The king expressed his willingness that the Presbyterian government should legally stand for three years, provided that no force were put on the consciences of those who could not comply (29). And the Presbyterian clergy were behind no men in loyalty. The execution of the king filled them with horror. Upon that event the Presbyterians of Scotland instantly proclaimed Charles II. So, after Cromwell's death, the Presbyterians of England were foremost in the work of the Restoration.

The great difficulty indeed which the short-lived Commonwealth found was with the Presbyterians. When the Oaths of allegiance and supremacy were abolished, and the Engagement substituted for them, the Presbyterians in general refused to renounce the one and to swear the other: and some of them published their reasons. They said that the former oaths, and the Solemn League and Covenant, were still binding, that the present powers were no better than usurpers; and that the oath called the Engagement was a prejudice to the rightful heir of the throne and to the ancient legal constitution.† Everything that could be done to satisfy them was done by the Govern-

\* Clarendon, i., 66; Neal, i., 117.

† Neal, iv. 10.

ment (30): but the Covenanters of England and Scotland stood side by side with the royalists and the Episcopilians, as against the Rump, the Independents, and the Army. The conflict was decided by the sword of Cromwell and the battle of Worcester.

The Independents, to whom the greater part of the army adhered, were raised to power by Cromwell. Unlike the Presbyterians, they were Separatists, and had been from their origin exposed to persecution. Yet to this sect has been ascribed the glory of having been the first to frame their public conduct on the noble principle of religious toleration. They certainly extended toleration to all the Protestant sects; but they would have excluded Papists and Episcopilians from the benefit. This may diminish their glory somewhat: nevertheless the great fact remains, that under their government all the penal statutes for religion were repealed: and that their government was the first in Europe that was founded upon toleration. When Cromwell took the name of Lord Protector instead of that of lieutenant-general, he continued the toleration which he perhaps began (31). He countenanced the Presbyterians and the Presbyterian establishment, whilst he preferred the Independents: and joined both together in one Commission as Triers of all such as desired to be admitted into benefices. This was the first time that the hereafter to be "United Brethren" found themselves joined together (32). But he forbad the clergy of every denomination to meddle with politics: and when he found that the "managing Presbyterians" took too much upon them, he always found means to check their zeal. He was obliged by force of public opinion to send out a proclamation against Jesuits and popish priests; but the Jews, banished since the time of Edward I., were re-admitted into England by him: and the Quakers, persecuted by all else, found mercy at his hands.

We now come to relate the unhappy events by which the Presbyterians were cast out of the Church, and made to join the Independents and other sects in a permanent separation: the events which have led to the present position of things—a

National Church existing side by side with a powerful body of sects all covered by the Act of Toleration. Some care must be taken in relating these events, because they may have been in part forgotten or misunderstood by many who share the hereditary exasperation against the Church, of which they were the cause: an exasperation which once was just and righteous in great part, but which now need exist no longer.

Episcopacy, the Book of Common Prayer, the Act for Uniformity, all came back with the Restoration of the Monarchy. It was not deemed necessary to legislate for this. The Ordinances of Parliament, by which Episcopacy was abolished, had been passed during the suspension of royal authority, and were treated as null and void. Nine old men, the surviving prelates of Charles I., returned to their sees. The Cathedral establishments were restored, in order that there might be capitular elections to the rest of the sees: and these were filled. There was something ominous in this silent rapidity: yet the Presbyterians who held the benefices of the Church had reason to rely on their merits in aiding the Restoration; and to expect a pacification which should include them with the Episcopalians in one pale.

The language at least of moderation had been learned in adversity. In his well-known declaration from Breda, Charles II. promised liberty of conscience to all who did not disturb the State, and pledged himself for the establishment of that liberty by law. These professions were variously regarded by the two great bodies soon to be united together as Dissenters. The Independents stood aloof, disdaining to ask mercy from those to whom they had never extended the toleration which they professed. The Presbyterians threw themselves at the feet of the king; and endeavoured, first, to prevent the restoration of the liturgy on the plea of long disuse; then, to obtain such terms of accommodation as might unite Presbyterianism with Episcopacy in remodelling the national Church. Their submissive deportment covered a secret uneasiness. The Restoration was mainly their work, yet they felt the want of favour with the restored monarch. Their spiritual despotism had been at one time or another the

misery of every Stuart who ever reigned in England. James I. always remembered with bitterness the treatment which he received from the church republicans of Scotland. Charles I. sustained the first armed opposition and the final abandonment from them. His son had been watched like a prisoner in their camp, and tormented with their sermons, till he fled from them into the very jaws of defeat. Yet it was the policy of Charles to avoid offending them, while he resolved to disappoint them: and the most eminent Protestant ministers in France were employed to assure their brethren of England of the king's attachment to the Presbyterian doctrines and discipline.

If an accommodation were possible, now was the time for it. The concessions offered by the English Presbyterians were very large. They were not averse to a moderate Episcopacy. After the king's arrival in England, they submitted to him the scheme of the great Ussher in his Reduction of Episcopacy, which was commonly known as Ussher's Model. This consisted in the main of two things, diocesan suffragans and diocesan synods. It consisted, that is to say, of the very measures by which in the present day it is proposed to provide for the inconvenience of the unmanageable extent of some dioceses, and to bridge over the chasm between the bishop and his clergy (33). The Presbyterians offered other concessions. They allowed the lawfulness of a liturgy, but asked that the Book of Common Prayer should be revised, or a new one made. They professed themselves willing to do things decently and in order: but requested that kneeling at the Sacrament, and holidays of human institution, might not be rigorously enforced: that the surplice, the cross in Baptism, bowing at the name of Jesus, might be abolished; and that altars and bowing to altars might not be used nor imposed. The old Puritan strength and weakness both came out in these demands. Their address to the king ended with these noble and dignified words. "We humbly lay ourselves and these our addresses at your Majesty's feet, professing our unfeigned resolution to live and die your Majesty's faithful, loyal, and obedient subjects: and we humbly implore your

gracious Majesty, according to your princely wisdom and fatherly compassion, so to lay your hand upon the bleeding rents and divisions that are among us, that there may be an healing of them: so shall your throne be greater than the throne of your fathers, in your days the righteous shall flourish, peace shall run down like a river, and the generations to come shall call you blessed."\*

The throne of Charles might have been greater than the throne of his fathers, and generations to come might have called him blessed, if he had had the heart to keep his own promises: and if these Presbyterian overtures had been met in an equal spirit by the Episcopalians. The question was whether the time past sufficed not for such works of darkness as mutual hate and persecution: whether the government of the Church could be carried on no better than it had been: whether Uniformity were better than Comprehension: whether Dissent were not an evil to be diminished by all possible compliances, rather than augmented and perpetuated by unbending arrogance: whether hundreds of blameless ministers were to be ejected from the Church or kept within her bosom: and to this the answer of the bishops was not on the side of magnanimity or mercy.

The Presbyterian ministers who presented that paper of concessions to the king, had been led to expect that they would meet some delegates or appointed persons of the other party, when they presented it. They met none. They had been led to expect a paper containing the utmost concessions which the other side were willing to make. They received no such paper. But the king renewed his professions to the men whom he meant to deceive: and at his request the bishops afterwards drew up an answer consisting, as Baxter too truly says, "of bitter oppositions" rather than concessions.†

In their answer the bishops took the proposals of the ministers in detail. The latter had owned that there was a firm agreement between them and their opponents as to doctrine and the essential parts of public worship. "The less consider-

\* 'First Address and Proposal of the Ministers,' Baxter's 'Life,' p. 232.

† Baxter's 'Life,' Neal, 'Carwithen, Hallam, &c.'

able and the less reasonable," answered the bishops, to stand upon other things. They rejected Ussher's Model with the insinuation that whatever might be alleged against vesting the government of the Church in a single person, might be alleged against the monarchy of the State.\* They pronounced the Prayer Book to be altogether unexceptionable: yet they said they were not unwilling that it should be reviewed. They ended by declaring that they did not believe that the granting of the demands of the Nonconformists would take away differences: rather it would be the seminary of new differences.

It has been remarked (by Dr. Cardwell) that the position of the two parties at this momentous juncture resembled that of the plaintiff and defendant in a civil suit. This was indeed now unhappily become a case of disputed inheritance. One party had bowed <sup>th</sup> other to conformity by pains and penalties: the other had cast out and persecuted its oppressor. Now the first had returned: and already many of the Nonconformist ministers were expelled from their sequestrations.

The Episcopalianists acted as if they regarded what were meant for considerable concessions as attacks upon what exclusively belonged to them. It is one of the most interesting questions that can be asked with reference to English history, what might have been the result, if their conduct had been different. Could not the unbrotherly union in which the two parties had shared the national Church have now been turned into peace and goodwill? Was it not possible at this juncture to have stopped the schism in England: or were the bishops right in supposing that any condescensions would only be the seminary of differences? On the one hand, it might be pleaded that the Puritans were incurably restless under authority: that things conceded had always been made the stepping stones to further demands: that their spirit was narrow; and that they aimed to establish a far more intolerable uniformity than that to which they demurred: such a uniformity, for instance, as their own

\* As the Church was under the same governor as the State, *i.e.*, under the king, it is difficult to see the force of this. The question was about bishops and presbyteries. Hallam

justly observes that if anything like the English constitution had been brought into the Church, the Presbyterians would have had all they wanted.

favourite Ussher had for some years imposed upon the Church of Ireland, when the Thirty-nine Articles were expanded into more than a hundred of the most explicit doctrinal character. If the requests of the Nonconformists were yielded, there would be an end of all intellectual liberty, of all power of growth, in the Church: and everything would be tied down in sectarian rigidity. There might have been weight in these arguments: and yet they are outweighed by the duty of attempting conciliation: of regarding charity and magnanimity. All the inconveniences that might have arisen from retaining the Nonconformists were as nothing in comparison with the evils of a propagated dissent.

If the conduct of the bishops was harsh, the conduct of the king was base. He deceived the Presbyterians by a show of favour until he had secured his throne: then he gave them over into the hands of their enemies. At first his favours seemed boundless. Several of their leaders were made royal chaplains. One of them was induced to accept a bishopric—a proof how far they were from being anti-Episcopalians. The king was affable and condescending in his interviews with them. Above all, he published, in October, 1660, his celebrated Declaration concerning Ecclesiastical Affairs. In this he acknowledged that Episcopalians and Presbyterians were equally loyal and religious. His words were these: “The professions and desires of all for the advancement of piety and true godliness are the same: their professions of zeal for the peace of the Church the same: of affection and duty to us the same: they all approve episcopacy: they all approve a set form of liturgy: and they disprove and dislike the sin of sacrilege and alienation of the revenues of the Church.”

He then went on to announce his intention to appoint a sufficient number of suffragan bishops in the larger dioceses: he promised that no bishop should exercise any jurisdiction pertaining to the censures of the Church without the presbyters: that no chancellors, commissioners or officials should exercise any act of spiritual jurisdiction, such as excommunication or absolution, or in cases concerning the pastoral charge of any of the ministry: nor any archdeacon without the advice

of six ministers within his archdeaconry. Thus he would have done away with the old grievance of entrusting the bishop's jurisdiction to chancellors, commissioners, and other officials. He promised also that the dean and chapter, together with an equal number of presbyters chosen annually by the clergy, should always assist the bishop in all parts of his spiritual jurisdiction which concerned the clergy, and that in all their meetings the numbers of the chapter and of these elected ministers should be equal, the junior members on either side being withdrawn in case of inequality. He promised a conference to review the Liturgy, desiring that in the meantime none would lay it wholly aside, though none should be molested for not using it till it should be reformed. With regard to ceremonies he pronounced that none should be compelled to receive the Sacrament kneeling, to use the cross in Baptism, to bow at the name of Jesus, or to wear the surplice, except in the chapel royal, in cathedral churches, and in colleges. He renewed his declaration from Breda that no man should be called in question for differences in religion, not disturbing the peace of the kingdom.\*

This declaration was received with great joy by the moderate men on both sides. Baxter declared that the terms offered in it were enough to satisfy any godly and honest minister. If they had passed into law, the long breach between bishops and presbyters would have been healed: the want of synodical action, which was the cause of all the evils of the Church, would have been done away. Yet, it has been truly said, not a single concession was made in this Declaration with respect to ecclesiastical government.† No new principle was brought in: only the ancient rights and liberties of the ecclesiastical constitution—rights long warped by tyranny—were promised to be restored. Why then did not this Declaration become the law of the land? Why were not these concessions, if they surrendered no principle of Church government, permitted to keep the Church in the bond of peace? How, in the ensuing session of Parliament, after both Houses had presented an address of

\* Wilkins, iv., p. 560.

† Carwithen's 'Church Hist.', vol. ii., p. 290.

thanks to the king for the Declaration, was the bill founded on that address lost in the second reading? The blame must rest upon the bigots on either side: on Poole and the small knot of Presbyterians who petitioned for more than the Declaration gave: and on the high Episcopilians, the insincere king, the papistically inclined courtiers. It was lost in Parliament through discreditable manœuvres.

The Declaration went against the Act for Uniformity and other statutes, and therefore could not be carried into effect without the authority of Parliament. This caused it in the meantime to be frequently overlooked in the country by the justices. "Many of us," wrote a minister, "in several places have no benefit by his Majesty's Declaration, while some eager lawyers and justices still give the statutes in charge against us, and cause us to be indicted and persecuted, openly telling the people that the king's Declaration is no law."\* Nothing was further from the king's thoughts than to get his Declaration made law. The bill for it was brought in by Sir Matthew Hale, a zealous promoter of reconciliation. Between the first and second readings Hale was removed from the Commons, by being made Chief Baron of the Exchequer. One of the secretaries of state voted against the bill: a sufficient indication (as the contemporary Kennet observes) of the king's mind. It was vigorously opposed by the courtiers: yet the majority by which it was lost was not very large.<sup>†</sup> On all hands its rejection was ascribed to the court.

Thus was lost to England the fairest opportunity that ever offered itself for reconciliation and the healing of the schism.

The mad outbreak of Venner, a fanatic who had before conspired against Cromwell, brought forth a proclamation against unlawful assemblies for worship. On this the Independents, Anabaptists, and Quakers found it needful to disown the insurrection of Venner: the Presbyterians, as men of undoubted loyalty, disdained any such disclaimer.

All hopes of reconciliation were now at an end. But that the king's want of faith might not appear too flagrant, the

\* Kennet's 'Chronicle,' p. 374.

† 183 to 157: Carwithen, ii. 293.

promised conference for revising the Prayer Book took place by royal commission.

The conduct of the Nonconformist ministers at the Savoy Conference was no longer conciliatory. Instead of reducing their objections to the fewest, they multiplied them to the utmost. An immense list of them, mostly trivial to the last degree, was presented to the bishops. Baxter compiled a liturgy of his own, and proposed that it should be authorised, as well as the Prayer Book. It was easy for the bishops to deal with such adversaries. When anything was proposed beyond the letter of the commission under which they sat, they refused to consider it. In repelling the objections which were brought against the Prayer Book, they had the advantage of common sense; and generally succeeded in making the objectors seem ridiculous. They maintained the dogged attitude of defendants who spoke only to the points raised. No conciliatory proposal came from them. To arguments, in which they were generally superior, they added taunts and sneers. The meeting ended in a hot digladiation between Gunning and Baxter, and broke up in some confusion. Such was the last occasion on which *Episcopalians* and *Presbyterians* ever met together within the Church of England.

At the same time things were done outside the walls of the Savoy, which showed the Conference to be a mere mockery. While it was sitting, the Solemn League and Covenant was burned by the hangman by a vote of the new Parliament: the Corporation Act was passed: and a formidable bill for Uniformity was sent up from the Commons to the Lords. Not until it had ceased to sit was the revision of the Prayer Book—which has proved to be the last revision—taken in hand by royal commission in Convocation. Of the alterations that were made in that revision a few were indulgent to the scruples of the Nonconformists: but a larger number went against them: and, as if to mark the incompliant spirit which prevailed, out of a small number of concessions which had been offered by the bishops themselves at the Savoy, not one found place in the revised Prayer Book (34).

Whatever calculations may be used to diminish the number

of Nonconformist ministers who were ejected when the new Act for Uniformity came in force ; whatever distinctions may be drawn between those who were ejected by that Act, and those who were dispossessed to make way for the legal owners of benefices who returned after the Restoration, it is certain that the day of St. Bartholomew on which the Act for Uniformity came in—the Bartholomew era, as Nonconformists have called it—must ever be regarded as a day of mourning in the English Church. It was the day of straitened comprehension, of lamentable schism ; and, after every deduction, the number of voluntary sufferers for conscience was large, as might be expected from the terms of conformity laid down in the Act ; which required re-ordination in such as were not episcopally ordained, assent and consent to the Book of Common Prayer, an Oath of Canonical obedience, an abjuration of the Solemn League and Covenant, and the renunciation of the abstract doctrine that it could ever be lawful to resist the king (46). Nothing was left for the English Presbyterians but to cast in their lot with the Independents, as United Brethren, as Protestant Dissenters, cherishing a feeling of resentful injury against the Church of their forefathers.

These things have been related somewhat at large, because all that has followed down to the Act of Toleration, and from the Act of Toleration to the present day, has flowed directly therefrom. No attempt has been made to defend the conduct of the high-handed but short-sighted rulers of the Church, by whom these things were done. From these things followed the Act against Seditious Conventicles, the Five Mile Act, the Test Act, and whatever other oppressive measure may be culled from the Statutes of the two last Stuarts. All attempts to defend such enactments must be laid aside : and men like Sheldon, Ward, or Compton must receive the full blame of doings in which they bore a willing share. But then it must be remembered that this burden of reproach rests not upon the Church herself. The Church, her ancient constitution impaired, her synodal action growing weaker and weaker, had no strength

to make her voice heard amid these transactions: and of this the proof is, that at this very time, under these very bishops, she lost without adequate compensation one of the greatest of her ancient liberties, the right of self-taxation (10). It was the political strife between the Crown and the Parliament which gave birth to all those enactments and declarations by which fresh bitterness was poured into the gaping wound of the schism. The Act against Conventicles, in 1664, was the answer of Parliament to the attempt of Charles II. to exercise a dispensing power in favour of Papists. The Test Act, in 1673, was the answer of Parliament to his Declaration of Indulgence, in which was suspected the design of bringing in the Romish religion. In these notorious measures the Protestant Dissenters were only obliquely glanced at; the Papists were the mark. On the other hand, there was an alliance between the popishly-inclined king and the prelates, and the Bill of Exclusion was only supported by three bishops out of fourteen. Here we feel again the diminished freedom of the Church: and at the end of the reign of Charles the Second, when the power of the hierarchy was at its height, it may be said that the Church had degenerated most deeply from her ancient high estimation with the people of the realm.

In the following reign, when Parliaments were virtually defunct, and judges surrendered the laws which they ought to have defended, the Church had the opportunity of regaining the favour of the nation by standing forth as the defender of the Protestant religion. Stillingfleet, Tillotson, Patrick, and Atterbury, poured forth treatises in which the arguments of the English imitators of Bossuet were overthrown, at the time when the pulpits were ordered to be silent upon matters of controversy. The great rupture of James II. with the English Church followed: a rupture marked by the setting up of a High Commission with Jeffries for President, by the filling of sees and deaneries with suspected or open Papists, by the caressing of Dissenters to obtain toleration for Popery, by the attack on the liberties of the Universities, and by the sending of the Seven Bishops to the Tower.

Throughout the period of the later Stuarts, all attempts at

comprehension came to nothing. Hales's proposals for comprehension, in the reign of Charles II., failed, because the courtiers feared that the admission of the Presbyterians would be followed by the prohibition of the public profession of Popery. This was the opposite motive to that by which the Parliament was influenced in passing their bills of pains and penalties: yet it had the same result. A Bill of Comprehension, in 1680, failed in the Commons in the same session in which the first measure for relieving Dissenters from the penalties of Dissent was passed. A Bill of Comprehension, in 1689, after the Revolution, failed in the same year in which the Act of Toleration was passed.

More could not be expected from the Separatists than from men of ordinary mortal mould: yet if they could have insisted upon comprehension, and comprehension alone; if they could have held out in maintaining their inalienable birthright of the national Church, instead of a toleration in schism: no rage of parties, no littleness of rulers, would have prevented them from receiving it in the long run. As it was, they received from the new dynasty an invidious toleration, with which they have never been content; and are seen at last pushing the demand for religious equality at the sacrifice of their own religious principles.

With the Act of Toleration many of the historians of the Church conclude their history. They regard that measure as the basis of the edifice of religious liberty. "An Establishment without a Toleration is unjust: a Toleration without an Establishment is unintelligible."\* Toleration seemed, indeed, the only settlement that was left possible by such times as those. But, in a wider view, Toleration is the failure of Uniformity and the defeat of Comprehension.

\* Balguy, 'Charge v.', note, p. 223. Camb. 1822.

## CHAPTER IV.

SKECH OF THE HISTORY OF THE ENGLISH CHURCH FROM THE ACT OF TOLERATION TO THE PRESENT TIME.—PICTURE OF THE CHURCH IN THE PRESENT DAY.—EDUCATION.

EARLY in the period which we have just reviewed, the period of the later Stuarts, the Church of England lost the great right of self-taxation ;—that important privilege by clinging to which the realm of England won back her liberty, and by abandoning which France sunk under the despotism of her kings. From the time of Edward the First the clergy taxed themselves, as an Estate of the Realm, in their own Convocation. In obedience to the citation of their diocesan they regularly appeared by their proxies, and granted subsidies to the Crown, which were levied in their own mode, the proportion which each was to pay being assessed by their own Commissioners. The censures of the Church, or the bishop's prison, were the penalties which awaited defaulters. But at the time of the Reformation, when the weapons of the Church had lost their edge, the temporal sword came to the aid of the spiritual sword in this as in other matters, and the subsidies of the Convocation were confirmed by the Parliament. But this power of self-taxation had become a burden instead of a privilege, through the poverty of the Church and the bad distribution of revenues. The subsidies of the clergy were larger in proportion to their property, and more faithfully paid than those received from the temporality. In 1664 the clergy of the Lower House addressed a petition to Parliament, in which they prayed for “some more equal manner of rating subsidies upon the clergy, the present manner thereof bearing no proportion to the rest of his Majesty's subjects.”\* As the Administration had at that very

\* Wilkins, ‘Conc.’ iv., p. 520.

moment resolved to abandon the old unsatisfactory mode of raising supplies by subsidies, and to levy an assessment instead, it cannot be wondered that the right of taxation on the part of the clergy was silently dropped, and they were included in the Money Bills of the Parliament.

In itself this loss of an ancient right which had become burdensome, was not to be regretted. The Clergy could never have played the part of the Commons in demanding redress of grievances as the price of their subsidies. But it is to be regretted that so little was got in exchange for it. The remission of a subsidy, and a tacit permission henceforth to vote in the election of knights of the shire, was a poor compensation for the surrender of a privilege which marked their position as an estate of the realm. There was only one thing that could have been a compensation. As the House of Commons grew in power, and absorbed the functions of other parts of the State, it was the interest of the clergy to seek for representation in that powerful assembly. If they had now gained the right of electing some of their own body to represent them in the House of Commons, they would not at present be the only Estate without representation; and, after all, they would only have obtained the renewal of an ancient custom. But Archbishop Sheldon, by whom what negotiation there was seems to have been conducted, was not the man to understand this.\*

Convocation, being no longer wanted to vote money for the Crown, began from that time to fall into disuse. It was frequently prorogued as soon as it met. Whenever a session was held, vehement disputes arose between the Upper and Lower House on questions concerning their relations with one another; and the great controversy sprang up concerning the right and powers of the assembly itself, which was illustrated by the pens of Wake, Atterbury, Gibson, and Hody. These things, which spoke of disorder and disorganisation, increased the disinclination of the Government to entrust the clergy with important business; and their ancient assembly ceased to be convoked. It was summoned for the last time by writ in

\* See more in Appendix 11.

1717, when the Lower House proceeded with such rage against the work of a bishop—Hoadly's *Preservative* against the Non-jurors—that the Government had to interfere with the favourite expedient of a prorogation. There was another meeting in 1741, in which the contest between the two houses was renewed; and there may have been one or two other unimportant assemblies. But the stoppage of general synodical action, which was destined to last for more than a century, must be dated from 1717, the date of the “*Bangorian Controversy*,” so called from the name of Hoadly's see. We have seen the renewal of Convocation in our own day.

Thus deprived of the power of speech and of collective action, the Church was prepared to settle down into that lethargy of the eighteenth century, from which she has since so marvellously recovered, but which was the cause and excuse of much of the continued exasperation with which she was regarded by ever increasing bodies of Nonconformists. She became the Church which Hogarth satirised and Cowper rebuked. Not the less, however, was she the Church which Steele and Addison, which Goldsmith, Grey, and Johnson loved. She took her rest with a people at rest, when men for the most part lived and died in the parishes where they were born. It was not an attitude of grandeur or energy, yet it suited the not ungenial humour of the time; and she was unwilling to be awakened by the sudden call of perhaps the greatest of her sons, John Wesley. The great Methodist movement, an event which casts all else that happened in this age into insignificance, was the return of spiritual life upon the Church and nation. As has been often pointed out, it closely resembled the great Cistercian movement in the twelfth century, and the great movement of the Friars in the thirteenth. The Methodist was originally a Regular, as his name indicates; the Methodist preachers, so long as they were guided by their great founder, strove to form an English Order or Confraternity, having the great duty of itinerant preaching; the Methodist societies were at first free societies in the English Church. In the large towns, where the Church was weakest, their success was very astonishing; and in the large

and scattered parishes of the country they were willing to have given to the clergy the most ardent and faithful assistance. At this day their chapels—now, alas, no more connected with the Church—stand as the only place of worship in many a wild hamlet, to which no church is near, and to which the Congregationalist or the Baptist cannot reach. In the twelfth or the thirteenth century they would have been received into the communion of the national Church, as the Cistercians and the Friars were, when their great movements reached our shores; but in the eighteenth century they found the Church in her lowest state, indolent and unmanageable, deprived by the fault of her rulers of synodical action, and without any centre for the expression and propagation of opinion. They were induced by degrees, and very slow degrees, to withdraw themselves, and dwell in a separate house. No loss which any church ever sustained is comparable in its own greatness and in the imbecility which caused it, to the loss of Methodism by the Church of England. No benefit would be so great as the recovery of that loss (36).

The last fifty years have witnessed a wondrous revival of energy in the Church of England. A second Reformation has been begun and is going on, in which the Church has recovered the capacity, the vigour, the enterprise, which are demanded by her ancient glory and her present duties. What is wanted to continue this course is not disestablishment, not denationalisation, but rather the multiplication of all possible points of connection between the Church and the controlling power from which her returning liberties and half her usefulness have come.

In the first place the Church has given up all that might cause offence to Nonconformists. Successive Acts of Parliament have taken away all that was penal in the Act for Uniformity, all that was invidious in the Act of Toleration. The Church neither compels any to enter her communion by penalties, nor punishes any who remain out of it. Her worship is neither more nor less protected by law than the worship of

any of the religious sects. Her schools, her colleges, and her universities have been thrown open to all by the various enactments which are spread over the period between 1834 and 1865; the instruction, the distinctions, and the emoluments, which are there afforded, may be enjoyed by Dissenters as well as by the sons of the Church. The Dissenter is no longer met on his entrance to the University by the requirement of subscription to the Articles of the Church; he is no longer met with that requirement when he takes his degree of Bachelor of Arts. He is no longer met with it when he proceeds to the degree of Master: nor when he competes for a Fellowship. A Dissenter, or any man, has the power of enjoying the emoluments of colleges, and may take up his residence for life on foundations which are indisputably ecclesiastical. All these removals of subscription have taken place through successive Acts of legislation (37, compare 15), and should be regarded with approbation by Churchmen, because they are a return to the genuine antiquity not only of the Church, but of the Universities. For the time at which subscription was set to guard the way to the Universities is very recent.

The long dispute about Church Rates, which arose from the refusal of many Dissenters to contribute to the keeping up of their own parish churches, was ended in 1868 by the Act for the Abolition of compulsory Church Rates. And before this legal settlement, there were many parishes in which the Rates had ceased to be collected. We believe that the Dissenters were thoroughly wrong in the position which they took up on that question, but as they felt a grievance, it was well that it was removed. As will be shewn hereafter, the Act of 1868 did not affect Church property in the least.

Again, the Conscience Clause which is hung up in the schools of the Church, protects the children of Dissenters who may attend them, from the contagion of her principles.

All this supposes continued separation. But the comprehension of the Church has been so much enlarged and so firmly fixed within the last twenty years, that she actually invites reasonable Nonconformists to return into her bosom by the terms of communion which she offers. The jurisdiction in

causes ecclesiastical, which from the time of Henry VIII. lay with the King in Chancery, was in 1832 transferred to the King in Council; and the Judicial Committee of the Privy Council became the Supreme Court of Appeal (9). A number of great cases, involving the most diverse questions of doctrine and practice, has fallen under the cognisance of this Court within the last twenty years; and the judgments given upon them have tended to widen the comprehension of the Church. The legal position of all the great schools of Christian thought has been secured within the Church of England. By the Gorham Judgment, in 1850, the legal position of the Evangelical or Calvinistic Party within the Church was secured. By the Denison Judgment, and those in the Knightsbridge cases—in which the decision of the Court of Arches was reversed—and lastly, by the Bennett Judgment, the legal position of the High or Sacramental Party has been secured. By the Judgment in Essays and Reviews, in 1864, the legal position of the Broad or Latitudinarian Party has been secured. At the same time the limits to which these two latter Parties may proceed have been sufficiently marked out. The conception which this Court of Final Appeal entertains of the nature of its own jurisdiction is as moderate as its decisions have been commendable to charity, forbearance, and brotherly kindness. In the memorable words of Lord Westbury, "This Court has no jurisdiction or authority to settle matters of faith, or to determine what ought in any particular to be the doctrine of the Church of England. Its duty extends only to the consideration of that which is by law established to be the doctrine of the Church of England, upon the true and legal construction of her Articles and formularies."\* Thus the facilities for ecclesiastical litigation given by the law, of which complaint has been made, have had the effect of increasing the elasticity and comprehension of the Church.

In 1852 a beginning was made in the restoration of the long

\* Judgment in Essays and Reviews, quoted by Stanley in 'Essays on Church and State,' from whom the

preceding summary of the results of the judgments of the Privy Council is mostly taken, pp. 103, 115.

suspended synodal action of the Church of England. The Convocations of the two Provinces were revived. The records of those assemblies since their revival have shewn at once how much they need to be reformed, and how valuable they would become if they were reformed. In the preceding historical sketch we have tried to shew how great a part of the calamities which have befallen the Church of England, has been owing to the deprivation of synodical action. But the Convocations, long before they ceased to be held, had ceased to be fitly representative of the Church, if indeed they ever were so. In the sessions which immediately preceded their suppression, they shewed themselves very ill affected and tumultuary.\* They were revived without being reformed, and are still ill-regulated, tumultuary assemblies, the attendance at which varies extremely. By a singular fatality the Church of England has still to wait for an adequate representative synod.

One measure of reformation alone seems likely to be satisfactory. The reformation of the representative system, or systems, among the clergy themselves is no doubt important enough; but the admission of laymen into Convocation, or at least into some sessions of Convocation, is more important still. At first sight nothing can seem more incongruous than this—the admission of laymen into the clerical assemblies or Provincial Synods. In reality nothing would be more truly a return to the most ancient and best traditions of the English Church—the original view, that the Church and nation are one and the same thing. We have seen how clergy and laity sat together in the early English councils. We have seen how they sat together in the Parliaments of Edward 1. If the Church and the nation are to regain their absolute identity, they should sit together again. It is equally in accordance with the best traditions of England that clergymen should sit in the House of Commons, and that laymen should sit in the Houses of Convocation (38).

And if general and provincial synodical action be still a thing of the future, the same is true of the restoration of

\* See Hallam, 'Const. Hist.', ii. p. 406—9.

diocesan synods. Several bishops have restored those long extinct assemblies (39); but the work cannot be done thoroughly before the Cathedral bodies be reformed. It is in the Cathedral clergy that the bishop is to find his council, according to the ancient constitution of the Church; and that council cannot pretend to be the diocesan synod—to make Canons and Constitutions for the clergy of the diocese—until it include all the clergy of the diocese, personally or by representation. It will be seen at once how important the not distant revival of these synods is; how much of the liberty, the want of which is so loudly lamented by certain parties in the Church, is recoverable by means of them. How thoroughly accordant they are with the primitive usage of England, may be known from the antiquities of the Church. They existed from time immemorial; they were ordered to be held by every bishop yearly, by a general English Council just after the Norman Conquest; they fell into utter disuse, and their revival was ordered in the abortive Code entitled the *Reformatio Legum Ecclesiasticarum* (7 sub. fin.), and was proposed in Ussher's Reduction of Episcopacy, and in the Petitions and Requests of the Ministers to Charles II. The want of them created that chasm between the bishops and their clergy which caused the Separations. In their restoration, which will not certainly be long delayed, the Nonconformists may see the removal of one of the chief causes which led them to withdraw themselves from the Church of their fathers. The same antiquities of the English Church may teach us moreover how essential these synods are to the original conception and form of a diocese. An English diocese, at first co-extensive with an English kingdom, and then sub-divided on the lines of the shires, or earlier settlements and conquests contained in that kingdom, was a Church in itself, having its own liberties secured by its own enactments in its own assemblies, and belonging to the national Church, as that belonged to the Catholic Church, by an obedience and conformity freely rendered. It was this free constitution which fell under the intrusion of foreign ideas; this it was that the Nonconformists sought by secession to bring back; and this they may now see brought back, and

may share in, if they please, without disestablishing the Church (39).

Scarcely less important than the Diocesan Synods, by the revival of which the Church is manifesting her life, are the Church Congresses, of which several have been held within the last few years. In these assemblies laymen have an equal share, and their participation in the discussion of ecclesiastical affairs is acknowledged as a right. It is even proposed to carry out this principle of the co-operation of the laity into the Parish—that unit of the ancient ecclesiastical system of England—by creating Parochial Councils, to consist of laymen, together with the clergymen, who are to have their powers conferred and their position defined by Act of Parliament; and this proposal has met with the approbation of many leading Churchmen. Those parishioners whom it is thus proposed to admit into the management of the Church, are not required to be Churchmen. They may be what they will; but if they are elected by their fellow-parishioners, they are to have a voice in the whole management of the public service in their church. A majority of them is to determine everything. Whether or not this proposed measure pass into law, nothing could more strikingly show the conciliatory and liberal spirit which now prevails than that such a proposal should receive the support of many of the most undoubtedly loyal sons of the Church.\* And we may add that an interference with the Church, on such conditions, is one of those peculiar consequences which could only flow from the connection of the Church with the State.

These are examples of the manner in which the ancient grievances which caused the Separations have been or are being removed by the spontaneous action of the Church in the present day. There are others that might be given. Nothing was more strongly assailed in the Puritanic era than the practice of Plurality. It was a practice alien to the original constitution of the English Church, as may be seen from the Excerpts of Eegbright, which ordered “that no priest go from the see of the holy church under whose title he was

\* See the discussion on Parochial Councils in the Report of the Church Congress of Nottingham, 1871.

ordained, in order to remove to a strange church, but there devoutly remain to the end of his life.”\* It was a practice which grew to an enormous abuse from the Norman Conquest, but which was defended by Whitgift on the plea that the Reformation had left most of the benefices of the Church so poor that very few of them were sufficient singly to support a minister. That plea might have been urged up to the beginning of the present century, for in 1802 half the livings in England did not exceed fifty pounds a year apiece.† Now, however, that a systematic augmentation of benefices has been undertaken by Commission, the Pluralities complained of by the Puritans, have been abolished by law.‡ As to the Ecclesiastical Commission, we have more to say hereafter; but here it may be observed that the Ecclesiastical Commission is doing the very work which the Puritans set themselves to do in the time of the Commonwealth. It is making a redistribution of Church property.

Nothing again was more loudly and justly urged at the time when Nonconformity was what it should be still, a struggle for the reformation of the Church, than the abuses of the Ecclesiastical Courts. The jurisdiction of those courts has been controlled by legislation, as we have seen; and it is difficult to imagine a more ready way for the settlement of smaller Ecclesiastical questions than is now afforded by the Consistory Courts of the Chancellors of the Dioceses. Yet, if any thing is still objected against them, dissenters may be reminded that a bill has been for some time before the country, which would in effect abolish them.§ Bitter and on the whole just complaint used to be made, in the old days of Nonconformity, concerning the intolerable arrogance and bitter oppositions of the “lordly prelacy” of England. No such complaints are heard now amid all the outcry raised against the Church. It would be difficult to point to a body of men more remarkable for Christian sympathy and charity than the higher placed of the English clergy of the present day. Some of them have not

\* Johnson, vol. i. p. 186.

† Speech of J. S. Stewart, Esq., in the Nottingham Church Congress Report, p. 328.

‡ 13 & 14 Vict. c. 98.

§ The Clergy Discipline Bill, as reviewed in the last Charge of the Bishop of Gloucester.

hesitated to incur serious blame from their own brethren in their desire to conciliate and, if possible, win back the Nonconformists. And judging from the return that is made to every offer of peace by the noisy party who profess to represent the Nonconformity of England, it would almost seem that the advice of Stephano in *The Tempest* may be carried too far: "Every man shift for all the rest, and let no man take care for himself."

As to Education, the great question of the day, it is possible that a remembrance of antiquity may again enable us to perceive the true position of the Church, which is obscured by the enormous mass of details that is heaped upon it.

In times before the Reformation a monopoly of education was held by the Monasteries; a monopoly which was disputed by the national Church when the public schools and many of the colleges in the Universities were founded by bishops and other patrons. When [the Monasteries were suppressed, the three great works which they had professed to perform were differently provided for. Those works were, the worship of God, the relief of the poor, the education of the young. As to the first, most of the monastic churches were destroyed, and the rest of them were handed over to the Church of England. As to the second, the State immediately began to make provision for the poor. For the third, it fell into the hands of the Church, or was undertaken by the Church. Many schools were founded and received charters from the Government; many monastic colleges, which would otherwise have perished altogether, were bought up and re-founded as national Church institutions. The State did not immediately interfere in education, except to confirm the action of the Church.

That the work was imperfectly done is not to be attributed to the Church, but to the enormous waste and spoliation which doubled the work of the Church, and at the same time miserably diminished her resources. However, the task of education fell to the Church, and was mostly in her hands until the very recent time at which the State began to take the work in hand. A great Church association—the National Society—was formed in 1811: and this and the British and Foreign School Society

were found in chief possession of the field, when grants for education began to be made by the State in 1833.\* For more than thirty years these grants were given, and taken by the National Society without it being supposed that the acceptance of them involved any interference with the religious instruction given in National Schools. There was a great deal of interference no doubt in the general management of these schools on the part of the Committee of Council for Education—a body which was created six years after the grants began to be made. But on the point of religious instruction there was not only an understanding but a compact, that the National Society should go on doing the work for which it was instituted, “the education of the poor in the principles of the Established Church.”

At length, at a time when a succession of feeble Ministries was running in and out of office, the principle was discovered and announced that money from general taxpayers ought not to be applied to promote particular or dogmatic religious education. This involved a departure from the terms on which grants had hitherto been made ; it is a principle which was strongly repudiated by Sir Robert Peel, and liberals of his school, and one which would work strangely if it were carried out in every department of the Administration. In the department in which it was applied—the Educational Department—it was the origin of the “Conscience Clause,” the most extraordinary piece of machinery that ever was invented by united wisdom.

It is observable that when this principle was first announced, the Dissenters were very slow to understand the wrong that had been done them for thirty years or more. It seems to have had its origin in the minds of theoretic statesmen rather than in any general feeling. And when the Conscience Clause began to be worked, there was an expectation among Churchmen that they would be joined by Dissenters in defence of

\* The latter Society allowed nothing but the Bible to be taught ; no formularies : but it claims to be in alliance with the Church. See the

excellent article on the ‘Conscience Clause’ by Mr. Trevor, in ‘The Church and the World,’ 1866, to which the present writer is much indebted.

religious teaching ; an expectation which has been by no means altogether disappointed.

All this was preliminary to the great Education Act of 1870. That measure was, in truth, if we bring it into connection with past history, the definitive assumption by the State of the duty which before the Reformation had been performed by the Monastic Institute and the Church together, and after the Reformation by the Church. No fault can be found by Churchmen with the State for at length assuming this duty. The Church, notwithstanding the strenuous efforts of the last half century, has not fully recovered the ground lost the century before, and has been overmatched by the gigantic increase of the population. There are vast masses which she is unable to reach, immense as the increase in her own organism has been. It was felt (or so<sup>1</sup>) that England was falling behind in the competition of nations ; and the State was perfectly justified, was wise and right, in exerting its coercive power to remove a great danger. It was right also in ignoring the Church. If the Church had been co-extensive with the nation, she would not have been ignored. So far as faults in her had caused her to lose her hold upon part of the nation, she was now paying the penalty, if indeed she were paying a penalty at all.

Nevertheless, the Church had certain duties to herself which she felt bound to discharge. The religious teaching of the young had ever been among those duties which she could not be satisfied without doing her utmost to secure to herself ; and the new Act was felt by her to be a challenge. Wherever she could not occupy the ground, she had the prospect of seeing rate-supported schools established, from which not only her own religious teaching, but all other religious teaching, might be excluded. Wherever she had already occupied the ground, she had the prospect of seeing the districts which she held made to look like Boeotias in comparison with the Atticas that were to be created under the power of compelling attendance—a power which was denied to her. Or she might expect to see, in one and the same district, her own schools emptied and new ones filled, which were planted beside them

by a School Board. The subscribers to her schools, finding themselves taxed for the support of those other schools, might grow tired of paying subscriptions as well as taxes. All this was rendered possible by the conditions of the new Act. The temptation, then, which was suggested to the Church was to resign her schools—about three-fourths of the existing organism of education in the kingdom—to the new rate-supported system. But, just as in times past she had maintained a competition in education with the monastic institutions, so now she resolved to maintain a competition with the new system. She determined to do what she conceived to be her duty to herself and the nation; she accepted the new system without complaint, and made it the means of testing her own strength. The result has been an extraordinary display of vitality on the part of the Church. Eighteen months were allowed by the Act for making up deficiencies and increasing school accommodation before the new regulations came in force. During that time two millions of money have been collected for that purpose by the Church; that is, double the amount that has been expended in education by the National Society during its whole existence.\* Of this sum more than three-fourths has come from private spontaneous offerings; the rest from grants. Besides the exertions of the National Society, which have been very great, diocesan education boards and committees and diocesan inspectors of schools have been established in most dioceses; a return to the autonomy of an English diocese, which is an unfailing sign of health in the Church. These new institutions are liberally supported by both clergy and laity, and have already greatly quickened religious education throughout the country.

The Elementary Education Act, then, declared that the Church and the nation were not co-extensive, as far as education was concerned. For this it was regarded at first with alarm by many Churchmen. Yet it asserted no new thing. It did not touch the root of the relations between Church and

\* Speech of the Bishop of Chester at the public meeting of the National Society at Liverpool, April 5, 1872: —Fly leaf sent out by the National Society, April, 1872.

State. It was simply, like so many other Acts which have been thought to bring in new relations, a declaratory statute ; and it declared that the Church was not the sole educator of the people ; that the Church was to have no favour shewn her in the matter, but was free to do the best she could for herself, as she always had been. This was, no doubt, a different principle from that on which grants first began to be made, but it was a return to a more ancient and probably a sounder principle, and it was the only thing that could be done in the state of the country.

Great has been the astonishment of Churchmen to find an Act, which only does the barest justice to the Church, received by the leaders of the Nonconformists as an Act expressly framed to uphold the Church in a monopoly of education, and as involving the *whole* question of religious equality. The Act allows the School Boards which it has created to admit poor children into their own schools without payment, or to pay for them in other schools, the choice of the schools to which they are to be sent being left, not unnaturally, with their parents. And because School Boards send children to the schools already existing in places well supplied with schools, instead of wasting public money in building new schools of their own, the Government is assailed with bitter invectives, and the Act is pronounced a failure almost before it has been tried. No doubt it is a failure in not doing all that Secularists and those Nonconformists who have coupled themselves with Secularists, wish that it should do. But perhaps the Legislature did not frame it for that purpose only. Of the existing schools the great mass are those which the Church of England has built ; and to these schools, or to any other that the parents like better, the School Boards both may and do send children.

We have nothing to do with the dismal controversy that is raging, and the threats of unceasing agitation for an alteration of the law, which resound. It would be ludicrous, if it were not melancholy, to hear of speakers declaiming, and audiences standing up and stamping and cheering and waving their hats, in support of the principle that no poor child shall have two-

pence a-week of public money to go and be taught in a place where it may meet with a clergyman or see a prayer-book. Can these be the representatives of the men who, under real oppression, slowly and sorrowfully quitted the Churches which they, nevertheless, acknowledged to be “true visible Churches of Christ”? But the law is the law: public opinion has declared itself with overwhelming force in favour of religious teaching, and the great educational contest has proved the strength of the Church.

In every other way, by test or contest, the same thing is proved. The real question is, not whether the Church meets the views of this or that religious or irreligious party, but whether she meets the wants of the nation, and whether her condition satisfies the nation. It may fearlessly be answered that, though she was taken at a disadvantage at the beginning of the great modern epoch, which is marked in history by the French Revolution, yet she has proved herself to be possessed of power and elasticity to meet the national wants; that she is doing much to make herself not only politically but statistically the Church of the nation. Take the subject of Church extension. No Church in the world was ever so severely tried as the English Church has been by the increase of population—an increase which has been more rapid here than in any country of the old world. From the beginning of this century to the end of the year 1860 the population increased twelve millions. In the same sixty years four thousand new churches were built and partially endowed;\* that is to say, the number of churches in the country was increased by nearly a third. This cost nearly fifteen millions of money, of which two millions and three quarters alone were voted by the State. Since the year 1826 the Church has received no aid from the State,† yet the work of building and endowing churches has gone on for the last twelve years with such vastly increased rapidity

\* Speech of the Rev. J. Bardsley, ‘Report of Nottingham Church Congress,’ p. 332.

† From 1809 to 1820, the State augmented clerical incomes by a grant of 100,000*l.* a year; and between

1818 and 1826 voted 1,650,000*l.* for the erection of new churches. Since then the Church has received no aid from the State. ‘Nottingham Congress,’ p. 328. Compare App. 40.

that the Church bids fair to be able ere long to answer to the aspirations of the Bishop of Manchester, and not only to call upon the masses of the people, but to entertain them when they answer to her call. It may be said that such facts as these only show how well the Church could do without the State, and how useless it is to keep up the relations between the one and the other. We believe, on the contrary, that the laymen from whom chiefly these benefactions have flowed have supported the Church, not as a voluntary society, but because they knew her to be the national Church ; just as their fore-fathers gave benefactions to the same Church for the same reason, in times when, instead of the State voting aids to the Church, the Church (or, at least, the clergy) voted aids to the State. We believe that the national Church is supported by laymen on a scale to which no single religious institution can attain, because there is seen in her a breadth, and felt in her a breath of Catholic freedom which can be perceived in no voluntary society or sect. For about twenty years in the beginning of this century the Church received aid from the State—not private but public aid. We believe that this aid was given partly to enable the Church to grapple with the enormous work that lay before her, and that it was partly an instinctive public effort to make amends for the failure of private benefactions during the previous two hundred years ; for, during the seventeenth and eighteenth centuries we read nothing of the building and endowing of churches by private charity. Looked at in either way, those grants were a testimony of the resolution of the nation not to part from the Church, but to do something to enable her to get into order again after a long period of miserable troubles succeeded by miserable torpor.\* The period for those grants is past, and they have ceased. The Church has regained elasticity and vigour ; she is more truly national now than ever she has been since her primitive age, and she needs no other than her immemorial support—the charity of her members. But in the whole case of endowments we have a good illustration of the working of the principles of Church and State. The normal state of things is, that the

\* See however Appendix 40.

Church be augmented by private benefactions ; but when those benefactions come to be in excess, they are checked by the State in its legislative capacity, as they were by the Statutes of Mortmain : when they are in defect they are supplemented by the State, as they were by the grants made in the first thirty years of this century.

We might go on with other examples to shew the marvellous mobility and activity which has been attained of late by an organisation, which at no very remote date was regarded as cumbrous and unmanageable beyond all others. We might speak of the abandonment of the old parochial system, under the long series of Acts for Church-building, which began in 1818 : and the return to that old system, by forming the districts created under those Acts, under certain conditions, into separate and distinct parishes.\* This cautious and yet thorough spirit of mobilisation seems to be carried to its height in the recent Private Chapels Act, and in the bill for the removal of the City Churches, which is now being promoted by the Bishop of London. Or we might speak of the Church in the colonies : of the formation of missions, and the regular conversion of those missions into colonial churches : a wonderful outburst of vigour by which the Church has proved herself as expansive as the Empire. Those colonial churches now belong to the Church of England, even as the Colonies belong to the Empire. They are, as they have been judged to be, "the Church of England in the Colonies."† Should the Colonies in which they are found ever become independent of the Empire, they will then be independent national churches in communion with the Church of England, even as the Church of England was once in communion with her own mother Church of Rome. This state of the case, which has been vehemently disputed by a great party in the Church, is no new theory. Where the English Crown has dominion, there the English Church has jurisdiction. One instance will show this. In the fifteenth century, during the conquest of France, wherever Henry V.

\* 6 & 7 Vict. c. 37, compared with 19 & 20 Vict. c. 104, Stephen's 'Com. iii., pp. 152, &c.

† Rolls judgment in the Colenso case; in the 'Guardian,' Nov. 7, 1866.

was king, there Archbishop Chicheley of Canterbury was primate; he made visitations, set up diocesan courts, and exercised jurisdiction in the conquered territory.

The colonial churches then may be pointed to, as one of the proudest monuments of the Church of England. They were created no doubt by voluntary efforts, as is often argued: but by voluntary efforts made in behalf of the Church of England: such efforts as she commands for herself because she is incorporated with the State: such efforts as would never be made in behalf of any voluntary society.

We might go on with other instances. But we have said enough to prove the extraordinary vitality and vigour of the Church: the value of the direction and regulation which she receives from the State: and the greatness of the forces which she collects into herself by virtue of her position. "No church in the world," says the latest and greatest of her foreign critics, "is so national, so firmly rooted in the tastes of the people, so grown together with the institutions and customs of the country."\*

And yet all this is but the infancy of a Hercules. The Church is only beginning her great course, after shaking off the various hindrances which have in times past beset her. There are the germs of an infinite expansion still within her. It is not disestablishment that would ripen those germs and make them bring forth fruit: that would increase her usefulness, her power, her adaptation to the wants of the people. Rather, disestablishment would scatter them to the winds, and make them for ever unfruitful. And it would be so, even if the religious sects, into which she would soon be split after being disestablished, would occupy all the ground which she occupies and promises to occupy. For no combination, no sum total of sects, can ever make up a national church.

\* Döllinger's 'Lect. on the English Church,' in the 'Guardian,' April 3, 1872.

## CHAPTER V.

THE VARIOUS VIEWS OF THE RELATIONS BETWEEN THE CHURCH AND THE STATE WHICH HAVE BEEN HELD FROM TIME TO TIME BY CHURCHMEN AND NONCONFORMISTS — RECENT ARGUMENTS FOR DISESTABLISHMENT SPECIALLY CONSIDERED.

WE are now in a position to judge of the various opinions, or schools of opinion, which have prevailed among both Churchmen and Nonconformists concerning the nature of the relations between Church and State.

Of course in reality there is and can be only one true and sound opinion, which is also the most ancient one: and that is, that the Church and the nation are one and the same thing differently regarded: that there is one State which is both Ecclesiastical and Civil. The same people who in one capacity are the State, in another capacity are the Church: and are headed in both capacities by a Sovereign, who is the sign of their unity. This is no opinion or view, but the very fact of the matter: of which the laws of England are a declaration or a commentary, from the earliest codes to that stamped with the name of Edward the Confessor, and from the laws of Edward the Confessor to those of Queen Victoria. It has been illustrated by a long series of historians, legists, and constitutionalists, from Beda down to Hook and Freeman.

For the expression of this great fact by the laws of England we need only turn to the finely worded declaratory Statute, 24 Henry VIII., in which it is laid down in terms about which there can be no mistake. “In divers sundry old authentick histories and chronicles,” says the Preamble of that Statute, “it is manifestly declared and expressed, that this realm of

England is an empire (41), and so hath been accepted in the world, governed by one supreme head and King, having the dignity and royal estate of the imperial crown of the same: unto whom a body politic, composed of all sorts and degrees of people, divided in terms and by names of spirituality and temporality, been bounden and owen to bear, next to God, a natural and humble obedience:—the body spiritual whereof having power, when any cause of the law divine happened to come in question, or of spiritual hearing, then it was declared, interpreted, and shewed by that part of the said body politic called the spirituality, now being usually called the English Church, which always hath been reputed and also found of that sort, that hath for knowledge, integrity, and sufficiency of number, it hath been always thought, and is also at this hour, sufficient and meet of itse<sup>lf</sup>, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such offices and duties, as to their rooms spiritual doth appertain: for the due administration whereof, and to keep them from corruption and sinister affection, the King's most noble progenitors, and the antecessors of the nobles of this realm, have sufficiently endowed the said Church both with honours and possessions.”\* This declaration, it will be seen, sets more than one question at rest.

As in this Statute we have the authoritative expression by the State of its relations with the Church, so in Overall's Convocation Book we have the authoritative expression by the Church of her relations with the State. Of that book we have already given some account:† here it is enough to say that under a different phraseology the same relations are signified that are laid down in the Statute of Henry. The body politic of the Statute, composed of spirituality and temporality, answers to the State ecclesiastical and civil of the Convocation Book: the integrity of the realm, empire, body politic, or state thus composed is affirmed with equal strength in both: and both alike maintain the supremacy of the King or Sovereign Prince over the two inseparable parts or elements. Above all, some common term or another is by both applied to these two ele-

\* 24 Hen. VIII. c. 12.

† Above, p. 339, and Appendix 27.

ments, to mark their inseparable connection: according to the one, the spirituality and temporality are both estates of the realm: the name of State, bestowed on both by the other, indicates even more clearly their essential unity. How far superior is this to the loose phrase of Church and State, which was first brought into general use about the time of the later English Revolution (so far as the knowledge of the present writer goes) (42): in which there is nothing to indicate more than the casual alliance of two distinct things, nothing to mark the inseparable union of the two, or rather the actual identity of the one with the other!

From these authoritative documents we may turn to consider some of the principal writers who have treated of the constitution of Church and State.

The 'Ecclesiastical Polity' of Hooker, the most enduring work of English theology, may be regarded as the most elaborate controversial exposition of the constitution of the national Church. The same views are held in it, and much of the same language, as in the documents to which we have just referred. The same persons, says Hooker, compose the Church and the Commonwealth: the Church and the Commonwealth are two aspects of the same thing. He illustrates this identity by the figure of an equilateral triangle, in which each side may be regarded either as the base or as a side by looking at it from a different point. He agreed indeed that there was what he called a "natural separation" between the Church and the Commonwealth; meaning that they could for the sake of clearness be conceived as two distinct societies: but he argued against a "personal separation," by which was meant that the two societies were so distinct that the same person could not bear rule in both, that bishops could not "meddle with the affairs of the commonwealth, because they are governors of another corporation, which is the church; nor kings with making laws for the church, because they have government, not of this corporation, but of another divided from it."\*

The same conception of the nature and government of the

\* Book viii., c. I; comp. Mr. Gladstone's criticism in 'The State in its relations with the Church,' p. 7.

national Church underlies the excellent little tract of Lord Bacon, entitled 'Certain Considerations touching the Church of England:' which deserves to be read as the best contemporary summary of the condition of the Church in the age of prerogative. In language this tract agrees with Overall's 'Convocation Book.' It speaks not about Church and State, but about the State Ecclesiastical and Civil. "I would only ask," writes the illustrious author in one passage, "why the Civil State should be purged and restored by good and wholesome laws made every third and fourth year in Parliament assembled, devising remedies as fast as time breedeth mischiefs: and contrariwise the Ecclesiastical State should still continue upon the dregs of time, and receive no alteration now for these five-and-twenty years and more."

The same language is constantly held by Bacon's great rival Coke, in his 'Institutes of the Laws of England.' As for instance, "The Ecclesiastical State of England, as it standeth at this day, is divided into two provinces," &c. Indeed this appears to have been the language of all who professed to write accurately on the subject.\*

But when we pass from these writers of accurate thought and language to those of the latter part of the seventeenth century, we begin to find ourselves in the midst of controversies in which the old national conception of the Church is sometimes preserved, but sometimes also hidden from view. The three great apologists who lived towards the close of the Stuart period, Twysden, Bramhall, and Sillingfleet, may be taken to represent the prevalent schools of opinion.

Sir Roger Twysden, in his 'Historical Vindication of the Church of England,' maintains the old and true view of the uninterrupted existence of the Church from the earliest English antiquity, and of her national independence under the King. His work is of great research, written with admirable clearness, and particularly valuable for its exposition of the homogeneous or primitive age of England. But as it was written to oppose

\* 'Inst.' Sec. 133. So the 'Discourse of the State Ecclesiastical of this Kingdom, in relation to the Civil,'

of Calybut Downinge, 1633, a person of some eminence in his day.

“the clamour of some Ecclesiasticks more affecting their own party than the rights of the Crown,”\* it is a little one-sided.

Archbishop Bramhall, in his ‘*Just Vindication of the Church of England*,’ is equally clear on the point of antiquity. “I make not the least doubt in the world,” he says, “but that the Church of England before the Reformation, and the Church of England after the Reformation, are as much the same Church, as a garden, before it is weeded and after it is weeded, is the same garden.”† But it was the object of this excellent writer to prove the continuity of the Church of England through the Apostolical Succession, as Episcopal, not through her constitution with the State: and to show her to be a true branch of the Catholic Church—a part of the whole defence of the Church which did not much, perhaps not enough, concern writers of the school of Twysden. But Bramhall was national and loyal enough, and may be taken as an excellent specimen of the Anglo-Catholics.

In Stillingfleet we have a writer of a very different turn from either the Anglo-Catholics or the so-called Erastians who preceded them. He is placed by Burnet at the head of the “latitude men,” or the school to which Tillotson and Barrow belonged: who sought to find a bond of re-union between the Church and the Dissenters in their common Protestantism. He was perhaps the earliest promulgator of the Protestant theory—now so unfortunately prevalent—that there was no Church of England before the Reformation. In his ‘*Origines Britannicae*’ he holds the view, which has been so laboriously confuted by Mr. Haddan, that the Celtic or British Church, with which the English Church had nothing whatever to do, was the original of her national independence; and that the Roman Church was established here by the coming of the monk Augustine. He wonders, he says, “at those who so confidently say, they cannot tell what we mean by the Church of England. For was there not a Church here settled upon the Reformation in the time of Edward the Sixth and Queen Elizabeth?”‡ And, besides this historical blunder, his conception

\* P. 110, edit. 1657.

† P. 29, edit. 1654.

‡ ‘*Unreasonableness of Separation*,’ p. 299 (edit. 1681).

of the Church is evidently affected by the unhappy fact that in his day the Church had ceased to be co-extensive with the nation. In one passage, where we should expect a definition of the National Church of England, we find instead two definitions, of "the National Church of England diffusive," as he calls it, and of "the National Church representative :" and the former defined as "the whole body of Christians in this nation, consisting of Pastors and people, agreeing in that faith, government, and worship, which are established by the laws of this realm."\* This is true statistically, but not politically. By the theory of the Constitution the Church of England consists of the whole nation, whether agreeing or not in the faith and government by law established : and remains the same, without regard to increase or diminution of members in those who profess to conform to her terms of communion.

It is strange to pass from such a writer to the political theorists of the succeeding age. Bishop Warburton, in his 'Alliance of Church and State,' and Paley, in his 'Moral Philosophy,' both argue in favour of established churches : but their arguments are based upon the ground of general expediency. A contract is fictitiously supposed to take place between Church and State for their mutual advantage, just as, in these theoretical systems, a contract is fictitiously supposed to have taken place between the sovereign and the people, to account for the origin of civil government. There is nothing historical in such speculations : and it is scarcely necessary to examine them further than to remark that both agree that an established Church with a toleration for Dissenters is the best thing that a nation can have in religion, though they differ as to the amount of toleration to be granted. Warburton would have it partial, and limited by a test act, to prevent Dissenters from getting into the government and subverting the Church. Paley would have it complete, without any other exception than what should arise when a dangerous political disposition was known to exist along with certain religious tenets.†

\* 'Unreasonableness of Separation,' p. 299 (edit. 1681).

† Book vi. ch. 10. See Gladstone's

review of Warburton and Paley in 'The State in its relations with the Church,' pp. 11 et seq.

The beautiful meditation of Coleridge, in his *Constitution of Church and State according to the Idea of each*, is a striking contrast to this hard utilitarianism: yet here utility, though of a nobler tone, is the foundation of the reasoning. The "idea of each" is the idea which is formed by a knowledge of the ultimate aim of each: an idealistic process is applied to the facts of the English constitution: and the same result is reached which Paley gained by another road.

Far different from this is the powerful work of Dr. Chalmers, his 'Lectures on the Establishment and Extension of National Churches.' This is a mine of arguments against "the Economists," and against the notion of the sufficiency of the Voluntary Principle, and the proposal to endow all religious denominations alike. It is particularly valuable from having been written at the very time when the question of the maintenance of the Church of England was really settled. For we believe that question to have been settled in the first part of the century, when the Church was in a low condition, and the Government came forward with grants to help her: and that it is in vain to re-open it now, when she is doing her work as she never did it before.

In the various works of Mr. Gladstone we have the views of a statesman and a high churchman in combination: and from this there comes an elaborate evolution of the theory of the "dutiful necessity" of the State to maintain the Church. The argument which flows through his pages is that innumerable benefits to the nation, to her spiritual life and culture, are derived from her connection with the Reformed Catholic National Church. There are no writings in which this argument is more weightily set forth: and they are particularly valuable as tending to counteract the vulgar notion of a cheating contract, in which all the advantages lie on the side of the Church.

The recently published 'Essays on Church and State' of Dean Stanley are the work of one of the greatest controversialists of the age. The breath of freedom animates them: a vast knowledge of the controversies which have agitated the Church during her revival and expansion—controversies in

which the author has borne so great a part—gives them a position of their own. While other advocates speak to the laity, and the Nonconformists, and the world at large, these Essays are an appeal to the clergy themselves to do nothing to sever the tie that binds them to the State. Every movement among the clergy which has ended in schism, or tended to schism, from the Nonjurors to the Ritualists, is shewn to have arisen in something merely occasional: the advantage in sense and soundness to have always been with those who allowed neither their own divergencies of opinion nor their dislike of any particular measure of coercion to separate them from the Church of the nation: and the inestimable benefit of freedom of thought, is proved to depend entirely upon the maintenance of the national bond.

All these apologetical and controversial works are of value as taking up different parts of the great line of the defences of the Church. Yet their arguments will probably make a less direct appeal to the instincts of the English people than that which is made by the great recent investigators of our national history. The writings of Dean Hook, of Mr. Freeman, of Professor Stubbs, lay the past history of our Church before us. They tell us that England has never been without a national Church: and Englishmen will not be slow to draw the proper inference, that without a national Church England would not be England.

From the views of Churchmen we turn to those of the Nonconformists themselves. Here, amidst a considerable variety of opinions, we cannot but remark a succession of augmentations and diminutions of their hostility to the Church, and a shifting of the grounds of their hostility. Opposition to the principle of an established church was unknown among the first Separatists, whether of the time of Elizabeth, of James I., or of Charles II.: it was gradually and only partially taken up afterwards: it was a feeling which grew very general not very long ago: but which is now subsiding in spite of great efforts that are made to keep it up.

The first Presbyterian Separatists—the Puritans properly so called—of the reign of Elizabeth and James I., had no thought of calling in question the national and legal establishment of the Church. They separated themselves because they could not have the word of God preached, nor the Sacraments administered, without what they called “idolatrous gear.” As regarded the authority of the sovereign, their position was well expressed by one of the earliest of them, that “it lay not within the authority of a prince, nor the liberty of a Christian man, to use and defend that which appertained to Papistry, idolatry, and the Pope’s canon law.”\* They never denied the authority of the national Church, but thought it misused by those who held it. When they separated, it was against the advice of Beza, Gualter, and Zanchius, their foreign counsellors.† It was against the mind of the vast majority of the Nonconformists, including the great leader Cartwright, who chose rather to remain in the Church, and endure the worst that the bishops could inflict, than become Separatists.

As to the opinion of the Brethren of the Second Separation, under James I., it was plainly set forth in their published defence, in which they protested that they “acknowledged the Churches of England as they were established by public authority, to be true visible Churches of Christ.”‡

The position taken up by the other Elizabethan Separatists, the Brownists and Barrowists, was different. Those sectaries, for whom the historian of the Puritans or Nonconformists, takes little pains to conceal his dislike, were often asked in their examinations whether they thought the Church of England a true Church. Barrow himself answered to this, that “as it was now formed it was not, yet there were many excellent good Christians of it.” Another time he said, “I think the Church of England as established by law not a church of Christ, nor their manner of worship lawful.” Yet he admitted that “the Queen was supreme Governor of the Church, but might not make laws other than Christ had left in

\* Neal, i. 199.

† Stillingfleet’s ‘Unreas. of Sep.,’

p. 21; Neal, i. 163. |

‡ Above, p. 337.

his word."\* The Brownists extended their impartial censures not only to the Church of England but to all other reformed churches which were not after their own model. They held that "every church ought to be confined within the limits of a single congregation, and that the government should be democratical."† To the reasons for separation which influenced the Puritans, they added "Want of a right gathering" of the English churches at first. The Parishes, or "Parish Assemblies," as they delighted to call them, were "not the true established Churches of Christ." Their dissent was therefore founded on a deeper repugnance to the constitution of the English Church than was felt by the Nonconformists. Still it was far from reaching the modern form of a denial of any need or right of a connection between Church and State. If they could have got their own polity established, they would have got it established.

With all these Separatists the Nonconformists, or Puritans who remained in the Church, maintained a grave controversy. They joined with them in their dislike of many things in the Church: but they denied that there were any such corruptions and abuses in the Church as could justify separation from it.‡ When Presbyterianism was established instead of Episcopacy under the Commonwealth, the various sects of Brownists, Harrisonians, and Barrowists, who, after endless schism among themselves, now became known by the common name of Independents, still kept up their separation, and demanded a toleration, though they no longer denied the Church, as a Presbyterian establishment, to be a true Church. They desired absolute liberty of conscience: and this the Presbyterians were as little disposed to grant as the Episcopalians had been. To Burgess and Calamy London seemed to have been turned into an Amsterdam of sects, through the separations, the congregations, or rather segregations, that were made in the city.§

\* Neal, i., p. 435.

† Neal, i., p. 303. Brown himself renounced his principles of Separation, and died rector of a church in Northamptonshire.

‡ A full account of all these con-

troveries is given in the first part of Stillingfleet's 'Unreasonableness of Separation.'

§ See their 'Sermons before the Parliament,' 1641, and 1649.

Hence arose the endless disputations between the Divines of the Westminster Assembly and the "Dissenting Brethren," in the Committee for Accommodation. And on the Restoration, when the Presbyterians suffered themselves to be ejected, and left the Church rather than submit to the new Act for Uniformity, they were argued to have abandoned their own principles: and the host of controversialists who wrote against them were never weary of pointing out the different conduct of the "old Nonconformists" and the "new Separatists." In 1691 the Presbyterians and Independents entered into an association as United Brethren. Their terms of agreement shewed them to have abated their animosity toward one another and toward the Church; since they left the Brethren free to choose the Westminster Catechism, the Congregational Catechism, or the Thirty-nine Articles (the doctrinal part of them) as a Confession of faith.\* By this union Independency was almost merged for the time in Presbyterianism: but the intimate alliance gradually ceased. Independency, under the more modern name of Congregationalism, swelled again into a numerous and powerful sect: while the Presbyterians, proceeding on their own way, have gradually passed from Calvinism to Unitarianism. From first to last the Presbyterians, whether as "Old Nonconformists," or Calvinistic Churchmen, or ejected Covenanters, or modern Unitarians, have been held by no pledge to do battle against a national Church: and throughout the early part of their history the same is true of the Independents. They demanded the right of refusing communion with other churches, they demanded toleration: that is to say, they demanded to treat the national Church as they treated one another in their own controversies: and the verdict of time is in their favour: every man has a right to keep what religious company he chooses. But this is a very different thing from the hostility to the principle of any connection between Church and State which is now unhappily characteristic of English Dissent. Nothing of that hostility is to be found in the writings of the older Dissenters: still less

\* See the valuable notes in Stubbs's 'Mosheim,' vol. iii., p. 371.

is any trace to be found of the curious forms in which that hostility has been manifested in late years (43).

This sentiment of hostility cannot indeed be discovered before the present century. It is remarkable that it has first manifested itself at the very time when all the old grounds of separation have disappeared, or are disappearing; and it amounts to a total change of position and principle on the part of a large portion of the dissenting community. At a time when the dissenting communions have adopted most of the forms and ceremonies at which their forefathers scrupled: when many of them preach in gowns, and some in cassocks: when the organ sounds in their worship: when a liturgy adapted from the English liturgy is used in many of their chief meeting houses: when instead of meeting houses they designate their *places* of assembly by the name of chapels, and build them in the ancient style of Christian architecture: and when, on the other hand, the national Church by her enlarged comprehension and Catholic spirit, invites them to return to her, it is then discovered that the fundamental principle of Nonconformity is, and was all along, opposition to the existence of any connection between Church and State. That is to say, that men like Barrow or Robinson did not seek to teach the Church the lesson of toleration, but to destroy her: that men like Cartwright, Howe, or Baxter, did not wish to make the Church comprehensive, but to shiver her into sects: that men like Henry or Doddridge were animated by concealed hatred when they praised God for the national Establishment, and gave it their good wishes and prayers. When the upholders of this grave change of principles are reminded that nothing of the sort is discoverable in the writings of such men, the reply has been that no proper exposition of the principles of Nonconformity has been made hitherto: that the elaborate catechisms, pleas, vindications, and apologies, by which the elder Nonconformists of every shade of opinion sought to explain their position and place their motives out of doubt, were merely works of occasional controversy which never touched the real question at issue.\*

\* Conder's 'View of Nonconformity' (1818): Pref., p. v.

This change is profoundly to be regretted for the sake of the Nonconformists who have accepted it. It has cut them off from their own base. It has led them already into strange conclusions, and is still leading them they know not whither. At every step of their progress they find themselves leaving behind them the religious sense of the country (44), and deserted by men and by denominations of men who stood by their side so long as the battle was for religious liberty. Many of their own greatest men have disliked some of their proceedings, as, for instance, the late learned and brilliant Dr. Winter Hamilton, who reprobated the celebration of Bartholomew's Day (46): while from first to last the great Wesleyan body has distinctly repudiated all feelings of dislike or jealousy of the Established Church. Hitherto the Nonconformists have had a glorious history. They taught the Church the great lesson of the power of conscience, at a time when she sorely needed that lesson. They taught her the lessons of toleration, of religious liberty. Are they now seeking to unteach their own lessons, and to stultify their own history?

Our answer to this question would be a sad affirmative if we did not believe that this feeling of hostility to the connection between the Church and the State is a transient one, which by no means belongs to the essence of Nonconformity, and has already spent its first violence. Thirty, forty, or fifty years ago the Church was in danger from causes which have been given: and about that time the hostile feeling of which we are speaking was intense and general. The famous theory of Adam Smith for "free trade in religion" was not without considerable influence; some of the leading Whig politicians were unfriendly to the Church; and the voice of Cobbett was uplifted in unsparing denunciation of the abuses which remained in her, although Cobbett was far too sagacious a man not to see that the Church, properly worked, would be the best thing in the nation. He had indeed the highest possible value for the principle of establishment, and the worst possible opinion of the state of the Church in his own day (45). At that time it was not possible, as Dr. Chalmers related, for a speaker in a public meeting to touch upon the connection between Church

and State without lighting up "an instant and sensitive antipathy in the hearts of assembled thousands."\* Can the same thing be said now? We venture to say that it cannot, unless the meeting be packed, like the large assemblies of Nonconformists that have been lately held. From first to last Nonconformity, when it has issued in Separation, has been a clerical rather than a popular movement. It was so even in its earlier and nobler days: it is so still, in so far as, in order to justify its own continued existence, it has had to change its front, as it has twice done in the present century, first in the discovery, of which we have just spoken, that its own fundamental principle is hostility to an established Church, and again in its strange alliance with secularists in the matter of education. The more notable occasions on which of late years Nonconformity has demonstrated its hostility, such as the Bicentenary Celebration of 1862, and the laying of the foundation of the Memorial Hall in the past year, have elicited a bitterness of clerical feeling which can only be deplored, while they have also shewn very strongly the weakness of the present position of the Nonconformists (46).

We may now go on to consider some of the special arguments by which the present agitators of the question of disestablishment seek to support themselves. The question of disendowment, and that of the sufficiency of the Voluntary principle, may be reserved for separate consideration: and we will now limit our attention to the objections that are brought against the National Church as established by law: the reasons, that is, on which the new principle of the Nonconformists is grounded.

For this purpose we can do no better than take the speech in which Mr. Miall moved in the House of Commons the Disestablishment of the Churches established by law in the United Kingdom, on May 9, 1871. That speech is acknowledged by Nonconformists to be a sufficient statement of their objections against the Established Church: it is able and temperate: and though to our mind it is little more than a mass of false assumptions and false inferences, yet a better summary of all

\* Chalmers, 'On Church Establishments,' p. 34.

that can be urged against the Established Church could scarcely be found.

The first thing that strikes one in the speech of Mr. Miall,\* and indeed in all the innumerable speeches and articles in which the Nonconformists and Liberationists pour forth their grievances, is the assumption that the Church is inevitably doomed. The time is coming, he says, it must come, when the Church shall fall. The march of intellect dooms it. A mighty tidal wave of opinion is advancing to sweep the dead framework of all political churches into the abyss. The forked flashes of revolutionary fire will consume them first of all. And yet, strange to say, political churches are the very institutions which revolutions have spared. It has been so in Europe to a remarkable degree: it has been so in England altogether. The English Revolution destroyed monarchy and destroyed Episcopacy for the time being: but it never touched the Church as a political institution. The no less real, though less violent revolutions of this century, the revolutions in commerce, the revolutions in the representative system, have never touched the Church as a political institution, as established by law and incorporate with the State. Adam Smith's maxims of political economy, the principles of Free Trade, were, it has been said, fifty years in working their way into the Statute Book: and yet they have succeeded in working their way. But Adam Smith's principles, as extended to religion, have never yet succeeded in working their way. They have been disowned by the great liberal leaders, from Cobbett and Peel to Mr. Gladstone and Mr. Forster. They have been seen to be degrading to the State and possibly pernicious to the nation. The examples on the strength of which they are urged, do not recommend themselves to English thought. And there is no reason to think that, as the representative system goes lower—if it should go lower—there will be any difference in this respect. The cry of the people is to be cared for, not to be left to themselves; in the Church they see a vast organisation maintained, under the regulation of the State, to provide for

\* 'Verbatim report of the Debate on the Motion of Mr. Miall, extracted from the *Nonconformist*.'

their best and highest interests. They may justly demand that this institution should be made to do its work in the most efficient manner. But is it likely that they will cry out for its destruction? Mr. Miall himself, with a frankness which does him credit, acknowledges that "as yet" there has not been called forth "any very active hostility" to the Church on the part of "the great wage-earning class." It would be strange if it were so, since it may be said, without disrespect to the work of the Free Churches, that the Established Church is the most powerful agent for good that the working classes see among them.

The case of the Irish Church, by which Mr. Miall fortified the resolution which he moved, is so inapplicable to the Churches of England and Scotland, that it need not enter into the question at all.

As little founded on fact as the expectation of a revolutionary destruction of the national Church is the assertion that she is only the church of the upper classes. Mr. Miall says that "she can lay claim with truth to the bulk of the wise men, the mighty men, and the noble of this land. She lives in the esteem of the wealthy and respectable. But it can hardly be said with truth that she has taken a proportionate hold upon the far more numerous classes beneath them. She has never—and probably less than ever in our times—overtaken the work which she arrogates exclusively to herself." And he several times affirms that not more than half the nation belongs to the Church. Now, that a good deal of this is true we do not deny. It is true that the wise, the mighty, the noble, belong to the Church. And it may be added that it is a good thing that they have a Church to which they can belong. But it is not true that the Church is fitted for them alone. The Church is bending every effort to adapt herself to the poor, to the vast outlying masses, which the enormous increase of population has thrown upon her hands. So far from being left behind, she is making a sensible impression, though the work still before her is enormous. As we have striven to shew, she is still in her infancy in this respect, a number of causes which have now disappeared having hitherto crippled her energies.

It would be, to say the least, a heavy responsibility to interfere with her in her present work by so violent a measure as disestablishment.

As little can we agree in the implied contrast, that, while the Established Church is the church of the rich, the Free or Nonconforming Churches are the churches of the poor. This is certainly not true of the Nonconforming Churches—e.g., the Baptists and Independents—who are forming themselves into associations on the principle of hostility to the Established Church. Their great centres of activity are the large towns and the middle classes; and they have never shown themselves capable of penetrating far into the wastes of poverty. This praise belongs not to them, but to the Methodists, but for whom a vast portion of the population, especially in the country, would lie out of the reach of any sort of Christianity. And the Methodists are not dissenters at all in the proper sense of the word. They know nothing of the principle of opposition to the Established Church. They sent no delegates to the Nonconformist Conference at Manchester: they heartily reprobate the educational turmoil. They are free societies, not in connection with the Church, but in friendly alliance, being furnished with an organisation of their own, which, after deliberate discussion, they have resolved to retain. The words of the great foreigner who has recently criticised the English Church may be taken as fairly determining the point at issue:—“The majority of the people belong to the Church: the higher classes, and the country people as a rule: while the town middle classes have separated from her in great measure.”\*

Then, again, we have the assertion—an assertion which is continually repeated by the Nonconformists—that only half of the religious population of the country belongs to the Church, the other half being distributed among the various Nonconformist bodies. If this were so, it would by no means follow that half of the religious population was joined together by a common sentiment of hostility to the connection between

\* Döllinger's ‘Lecture on the English Church,’—*Guardian* newspaper, April 3, 1872. Appendix 36.

Church and State. But it cannot be allowed that it is so. The only way of ascertaining the true numbers of the different religious denominations would be by a religious census, in which every man should declare his religious profession. This test has been twice challenged by Churchmen within the last twelve years, and twice declined by Dissenters. The calculations of the Dissenters are based on the well-known tables, which were issued by the Registrar-General twenty years ago, of the number of persons who attended any place of worship on Sunday, March 30, 1851. The general results of that investigation certainly justify the assertions of the Nonconformists: but when the Tables are examined, it soon becomes evident that large deductions must be made from those results (47): and even from these statistics which were made upon a principle that might well be delusive, and certainly was unfavourable to the Church, evidence may be drawn of the progress which the Church was making at the time. And statistics twenty years old by no means hold good now. The last twenty years have been a period of progress and expansion on the part of the Church, to which no Nonconformist community can pretend to offer a parallel. It is probable, as has lately been declared by a careful inquirer (48), that instead of numbering half of the religious population, the Nonconformists, all told, do not reach to much beyond a quarter: and of this reduced total at least one half belongs to the several communities of the Methodists.

The vast activity and expansion of the Church to which we have just referred, is indeed acknowledged by Mr. Miall in very adequate terms. But then he goes on to argue that it is nearly all due to private charity and exertion, not to the connection of the Church with the State. "All that the State can be truly said to have done in this matter is, that it cleared the ground of some of those legal impediments which it had itself thrown in the way of religious zeal. With very small exceptions, that do not materially affect my argument, it did not build these churches. It did not endow them. It does not support them. It has simply absorbed them into the system 'as by law established.' All the beneficence put forth in achieving these

splendid results—for splendid they are—was put forth by individuals, not by Parliament. The Bishop of London's Fund, for example, owed nothing to the Legislature. The beautiful structures reared by the munificent donations of the wealthy, both in the metropolis and in not a few of our provincial towns, would probably have been reared all the same, if the Church to which they have been made over had been independent of the State." It would be difficult to find a more exact account of Church property, old as well as new, than this. It would be difficult to find a better explanation of the position of the State with respect to Church property. Not to found nor endow, except in some very exceptional circumstances, but to give to private donations the protection extended to all property, and to absorb them into the system "as by law established"—this has been the part of the State in all ages. But to argue that benefactions which were made to the Church as the national Church; which were made in order that they might be absorbed into the system "as by law established," would have been made all the same if there had been no national Church, no system into which they might be absorbed, seems a curiously fallacious process. We believe, as we have said already, that the munificent voluntary endowments which have added so vastly to the use and strength of the Church, have been made because the Church possesses, by virtue of her incorporation with the State, a large, generous, and attractive character, which could not belong to her, if she were deprived of her national standing.

Something akin to this is the argument that it would be for the good of the Church herself to be disestablished. This is a view of the question which is not confined to Nonconformists. It is shared by a considerable number of political churchmen, who, while professing their attachment to the doctrines, the forms and ceremonies of the Church of England, see something anomalous or indefensible in her position. It is shared too by a not inconsiderable number of clergymen, many of them among the best in the Church, who look back upon the dark periods of our history in which the liberties of the Church were over-ridden by the State, or are impatient of the control which

obliges them to remain in fellowship with men of other views, or think their own views unfairly dealt with. Some of these clergymen have been lately putting forth reasons for not joining the "Church Defence" association.\* The various parts of this argument are fairly enough set forth in the speech to which we are referring, and in many publications of the day. The Church, it is said, was established to ensure unity, and has utterly failed to do so. In her attempts at unity, aided by the State, she has driven half the nation out of her pale, and remains convulsed by internal struggles. Mr. Miall even makes the surprising assertion that the recent Judgments of the Judicial Committee of Privy Council have narrowed the comprehension of the Church. We can only refer him to Dean Stanley for an answer. Parliamentary discussions of doctrine and discipline, it is added, are indecorous; the House of Commons feels itself unfit to undertake them, and yet is continually called upon to vote about Church bills. All these representations have been really met and answered before in this Essay. Like most of the arguments of the parties hostile to the Church, they are drawn from the worst periods of Church history, when the Church was tied and gagged, and used as the pretext of every kind of tyranny. They have little force now; and the more the State is inclined to restore her rightful liberties to the Church, the less force they are likely to have.

The remaining arguments brought by Mr. Miall may be classed together under the general view that the connection between the Church and the State is an injustice and a grievance. The national Church, he says, claims a monopoly of religious instruction through the State. How this can be, so long as the religious assemblies of the Nonconformists are protected by the State equally with those of the Church, we know not. At all events it is a monopoly which they, on their own shewing, have no wish to share. Why then do they seek to deprive the Church of it? The Church, it is said again, is only one among many churches, and it is unjust to uplift her

\* Letter of Rev. J. Moultrie in *Church Times*, 12 April, 1872.

above the rest. It seems to be forgotten that after all the national Church is the mother of all the daughters who have left her; that she is separated from them by no insuperable differences, and may possibly be one day re-united with them. No argument used by the modern Nonconformists would more have astonished their forefathers than this about the national Church being only one of many, and having no more claim to be incorporated with the State than any other church. It belongs to the modern change of principle to hold that because a man, or a number of men, chooses to dissent from the Church, therefore the Church is not national, and has no right to be acknowledged by the State. But at least we are glad to notice that in this Speech, delivered two years ago, Mr. Miall calls the Church a church and not a sect. It is the fashion now for the more violent advocates of disestablishment to strengthen their cause by calling the Church a sect and a denomination. Her denomination proves that she is not a sect.

Then there is the view that Toleration is a humiliation. It must be granted that the word Toleration has an unhappy sound; but it is not Nonconformists who should feel humiliated by it. To have discovered the principle of Toleration, to have first acted upon it in civil life, and to have forced it to be recognised by law in an age of intolerant bigotry, is their greatest glory. To do all this they seceded from the Church; and in doing this they did the Church an immense service. Why should they be humiliated in looking on their own work? They have taught the Church a great lesson, a lesson that has been well learned. Instead now of seeking to destroy the Church in this modern fit of furious resentment, why should they not return in triumph to the Church, and by their own act turn Toleration into Comprehension?

As to political grievances, these have disappeared before successive Acts of Parliament. The shadowy grievance which the Dissenters found (that out of the four Endowed Schools Commissioners not one is a Dissenter), and the angry manner in which this was denounced at the Manchester Conference as "a new disability," may be left as commentaries the one on the

other.\* But there are social grievances which the Dissenters profess themselves to feel, which may be far more serious than the intangible political wrongs of which they make so much. These are set forth by Mr. Miall in the following words: "The spirit of exclusiveness, born of the Establishment system, and fed by the encouragement given to it by the sanction of the law, permeates more or less the whole framework of society in this country. A dualistic and divided agency characterises by far the largest proportion of moral, charitable, and philanthropic enterprises among us. Almost every village of any size has two distinct sets of apparatus for doing good—the one worked by Churchmen, the other by Dissenters. Every town has its exclusive circles of social intercourse—the one appropriated to Churchmen, the other to Dissenters. Every section of society is thus split up into incoherent parts. Many are the useful schemes that have had to be abandoned owing to the absence of good feeling between the favoured and degraded sects."

This passage, and especially the last sentence, is one which we regret to read in the celebrated speech which does so much credit to the temper and good feeling of Mr. Miall. As regards the assertion that ill feeling between Churchmen and Dissenters has been a hindrance in the way of doing good, it might be proved from the writings of the latter that the fact lies the other way. One of the arguments by which Nonconformists, at least within the last few years, have been wont to defend themselves for keeping up a separation for which the original causes have disappeared, has been that more good has been done "by the hallowed rivalry induced by separate communities than as though the Church of England had retained the two thousand confessors in her bosom."† As to the social grievances, if they amounted to what is described by Mr. Miall, they would be very serious indeed. But his picture is greatly overcharged. It is a gross exaggeration to represent the country as divided into two hostile camps by religion; it is a

\* *Manchester Guardian*, Jan. 26, 1872; also, lecture of the Rev. R. W. Dale, on 'The Politics of Nonconformity,' reported in the *Manchester Examiner and Times*, Nov. 22, 1871.

† 'Lectures on the Rise of Nonconformity,' by the Rev. Geo. Smith, in 'Lectures on Protestant Nonconformists,' 1853.

mere flight of oratory to say that any man is socially degraded by not belonging to the Church of England. No doubt churchmen see more of one another than they do of their dissenting neighbours; and dissenters see more of one another than of churchmen; but it will not do to say that the test of admission into society is the religious profession. And if there is any of the exclusiveness which is complained of, we believe that it would be doubled instead of being diminished by the disestablishment of the Church. It is probable that the soreness which has broken out so remarkably on one or two great public occasions within the last few years, is pretty much confined to the Nonconformist ministers and their intercourse with those of the Church. No doubt the position of some of them may be such as to foster jealousy and bitterness, or to make them quick to imagine slights, even where none are intended. Something of this sort may perhaps have caused the very unmeasured language which, for example, on the occasion of the Bicentenary of Bartholomew's Day ten years ago, drove several clergymen out of the Bible Society. And no doubt cases of arrogance and assumption on the part of ministers of the Church toward their Dissenting brethren may have occurred. Such things are to be deprecated—nay, reprobated. We would rather dwell on the many, the increasing, instances of good will and brotherly kindness with which the names of many of the greatest men in the Church are associated; and on the reciprocal instances of loyalty and affection to the national Church which have not been wanting on the part of some of the most learned and eminent of the Nonconformist ministers.\*

We have now gone through the arguments which have been laid before Parliament in support of the proposed measure of the disestablishment or denationalisation of the Church. Those arguments we have seen to be mostly false assumptions, the rest of them unsound inferences that the evils which they allege would be ended by disestablishment. And their cumulative force is not great. Their real power depends upon the

\* The Rev. J. Baldwin Brown, the well-known Congregational Minister, wrote, last April, a letter to the *Spectator*, inviting his co-religionists

to take part in the National Thanksgiving by subscribing to the fund for the completion of St. Paul's.

persistency with which they are reiterated. The continual repetition of them has caused a great deal of faintheartedness among churchmen. Never did they appear so alarming as when Mr. Miall, speaking with calm certainty of disestablishment as a thing inevitable, exhorted the House to set about the work leisurely and betimes, for the sake of the Church herself, before the question was forced upon them by the voice of the nation, and the existing system was swept away by the rage of a furious revolution. It is hoped that a calm examination of the worth of these arguments, a calm consideration of the strength of the cause and the claims of the Church, will dispel all such needless apprehensions.

## CHAPTER VI.

## THE QUESTION OF DISENDOWMENT—THE ECCLESIASTICAL COMMISSION.

FOR some years past an opinion has been very persistently urged, that the property of the Church of England had better be sold for some such national purpose as paying off the National Debt. This beneficent scheme, as we learn from one of its loudest and latest advocates, is not to be applied to any private endowments which the Church has received in modern times; indeed it is not to be applied to any benefactions which have fallen to her since the Reformation, but only to what she acquired by the arts of priestcraft from the fears of superstition in the days of darkness, popery, and ignorance.\* It would seem then that the longer a thing has been held in possession, the less right there is to hold it. And, as the Church acquired nothing at all for two centuries after the Reformation, but has begun only in the present century to be aided with new endowments by the reviving piety of her sons, this scheme would make her the youngest religious system in the country, as far as endowment is concerned, instead of the oldest. But recent charitable founders at least may rest in peace; and there is no danger of Dissenters, who have all come into being since the Reformation, seeing this admirable project extended to their own denominational property.

And yet it might have been thought that if the Church of England had acquired her property by priestcraft and superstition, this would not have escaped observation hitherto; that

\* 'Lecture on Church Property,' by the Rev. Marmaduke Miller, delivered in connection with the Manchester Conference; see *Manchester Examiner*, Dec. 6, 1871.

the difference between superstitious and charitable uses was not unknown in English law. There are statutes enough about it. It might have been supposed that when the property of the Church had endured through the long operation of all the statutes about mortmain—statutes made to regulate the fraudulent or improvident disposition of land—from Edward I. to George II., the opinion of the law was sufficiently declared. All the arts by which owners fraudulently sought to convey lands to ecclesiastical corporations, in order to escape the payment of dues; all the arts by which ecclesiastical corporations sought to seize the same, have been tracked and checked by a long series of enactments. When the monastic property was forfeited for ever at last, and made over to the king as lord paramount, the property of the Church, as such, was left untouched, as we have seen, and though it suffered much, only suffered accidentally. So it has been in every time of great convulsion. In fact the endowments of the Church were given in the primitive age of England, long before Popery. The laws of mortmain were meant to protect them, not less than temporal estates, against the encroachments of the Pope and the monasteries; and those laws have been repeatedly suspended or modified, for the express purpose of encouraging benefactions to the Church. The Statute Book is the best witness of the origin and nature of Church property.

As to the line of the Reformation, which is drawn to cover the property held by Dissenting communities, is it not possible that the secularists and economists with whom the religious Dissenters are allying themselves may have something to say about that, if it ever come to be held that ecclesiastical property may be lightly dealt with? Money may now be given to a Dissenting community, and may be realised, because money so given is regarded as devoted to charitable use; and the State acts as the trustee of all such endowments. But if the obligation of the State to carry out charitable trusts may be set aside for this or the other secular object that wants feeding with money, why should the line be drawn one way rather than another? Why should the endowments of one religious body be safer

than those of another? Why should not the property held by the Dissenting communities be regarded as mistaken charities as much as any held by the Church?\*

It may, perhaps, be answered that the mass of Church property is not held under trust deeds, like that of the Dissenting bodies, but under the ancient legal fiction of the corporation sole. Every bishopric and living constitutes, in the eye of the law, a corporation sole, consisting of all the occupants of the same, past, present, and future: every bishopric and living having, by virtue of this, the character of perpetuity stamped upon it, and none to be alienated or suppressed. The corporation sole is, we believe, a conception peculiar to English law: certainly it is a very characteristic one. The highest corporation sole in the kingdom is the throne itself: and hence the maxim in English law that the king never dies. Now it may be that the benefices of England have a stronger right to continuance, from being included under this old principle; but if so, it is a prescriptive right. There is no difference in principle, as to perpetuity, between property held in this immemorial manner and property held under a trust deed. In the one way and in the other, the power conferred by the law is that of devoting property for ever without renewed conveyance. And if the corporations sole are to be dissolved in order to get at the property devoted for ever to the Church, there is no reason why the trust deeds should not be set aside, under which is held the property devoted for ever to the Dissenting communities.†

No Utilitarian doctrine of modern times has been preached with more zeal, loudness, and pertinacity than this of converting the property held by the Church to secular uses, during the last

\* The writer of a powerful article on Church Property in the 'London Quarterly Review,' the able Wesleyan organ, warned the Dissenters of this some time ago. "There is," he said, "a very prevalent feeling among some lawyers and many social reformers, that the whole doctrine of charitable trusts, by means of which alone the nonconforming churches hold their property, has been carried too far."—

April, 1863.

† So far from there being any fundamental difference between the two cases, the building of churches is, in the Acts, enumerated among charitable uses; and much of the property lately given to the Church is in the hands of trustees, and much more will be, in all probability, as time goes on.

thirty or forty years. It was put forward by the local "Church Separation Societies," which were formed in the country about 1830. It was put forward by the "British Anti-State-Church Association," in a swarm of lectures, tracts, and catechisms. It has been put forward by the "Liberation Society," to give birth to which the "British Anti-State-Church Association" expired, with ever-increasing vehemence and ever-widening range. Thus, in 1844, the Liberation Society only proposed to apply "to purposes strictly national and wholly secular" all property at any time *granted by Parliament* to the Church, the grievance being the Parliamentary grants of which we have spoken, made in the first part of the century. Four years later this grew into the resumption of *all national property* now devoted to the maintenance of religion.\* It is argued that nearly the whole property of the Church was given by the nation, and therefore may be taken away by the nation, without such a proceeding being extraordinary. The one of these assertions by no means proves the other, even if it be true. But the whole theory is new; not much older than the Liberation Society itself, and has probably been invented because of the insuperable objections which seem to lie against the confiscation of Church property, if Church property be of private origin, as it has been held to be hitherto. The controversy in this new stage has been illustrated by two apparent triumphs of the Anti-Church parties, the abolition of compulsory Church Rates, which did not really touch the question, and the disendowment of the Irish Church, in which no principle was adopted which can affect the property of the Church of England.

The question at issue between the Church and her strangely consorted enemies is, whether the property held by her is national, in such a sense that it may be taken from her by the State, and turned to secular uses without injustice. Of course a very clear case, indeed, must be made out before the State could be justified in confiscating or alienating such a mass of property as is held by the Church. It must be proved that the property of the Church is national, and not private

\* See the article in the 'London Quarterly Review,' above mentioned, to which the author is considerably indebted.

property; that it is national in a sense different from that in which a great deal of other property is national; that, granted this, the prescriptive right of centuries may be justly set aside; and that it could be better employed than it is.

We are not inclined to go into all these questions historically, because we think that so extraordinary a change must have come over the spirit of English justice before the Church is disendowed, that disendowment may be dismissed from the region of probabilities. We may, however, observe, that the first endowments which the Church received were probably national. Public land, folkland, was turned into boeland for the benefit of the Church; and this was done with the full consent of the people in *gemote* assembled. Hard upon this, however, followed the beginnings of private benefaction, by which the diocesan system (which was established earlier than the parochial) was developed no less than the parochial system which came later, and seems to have been wholly planted by private benefaction.\* Granted, then, this national origin of the first dioceses, what does it amount to? The land booked to the Church became the property of the Church just as the land booked to the nobles at the very same time became the property of the nobles. And it is remarkable that, in those dark ages before the Reformation, there was light enough for people to see that there was no difference in right of tenure between the one and the other. When the Lollards attacked the estates of the bishops, they were resisted because the estates of all other proprietors were endangered by them (12; 50).

The greatest stress in this controversy has been laid on the nature of tithes. Those ancient customary payments are defined by Mr. Miall, in his "Title Deeds of the Church of England," as having the nature of a tax, which may be imposed and may be repealed by the State. A more unfortunate

\* From the beginning the diocesan establishments were partly supported by private charity. Before parishes were separated, when the wandering missionaries went from the diocesan

head quarters, and returned thither, they brought in voluntary offerings from the place where they had been, which they gave to the bishop to be put in the common stock.

misrepresentation could hardly have been made. A tax is ordained by the State, and goes to the State. But no legislative Act can be produced by which tithes are ordained: and tithes do not go to the State, as taxes do, to be used in the administration of the country. Tithe is a rent-charge which one man has on the land of another; it has been regulated by the State, but was never imposed by the State. The payment of tithe arose out of primitive piety, and was owned as a duty even by those who neglected it. Various charters were issued in early times to regulate the same: but for hundreds of years people paid their tithes much as they pleased, to those ecclesiastical persons or societies which they happened to prefer. It was not before the close of the twelfth century that they were ordered to pay them to their parish priests; and this they were ordered to do by a law of the Church, not by a law of the State(4).

But the rights of the Church to her property are so plain that they perplex and baffle those who would deny them; and honourable men are led into curious inconsistencies in endeavouring to account for the facts of the case on the theory of the "appropriation" of property to religion by the State. For instance, what is there in the Reformation to have altered the nature of the tenure, so that what the Church possessed before that epoch should be said to be "national," and resumable by the State; and what she has acquired since (except the Parliamentary grants) should be alone allowed to be her own?

The advocates of disendowment have to prove that the property of the Church is national, and national in such a sense that a very little would justify the State in confiscating it.

We have seen no argument that has at all succeeded in establishing this, though we have seen many false issues raised, and long arguments pursued which lay beside the mark. The constitutional right of the State, for instance, to deal with the property of the Church is disputed by no one; yet this is elaborately argued out, as if it were the point in question. Mr. Miall makes a great deal of the change of tithes into rent-

charges, which was only an assertion of their real nature. The equitable commutation of tithes does not imply that they may be equitably taken away from the Church and turned to secular uses.

The main general arguments, however, by which it is sought to establish this nationality of the property of the Church are two in number, and of a somewhat abstract character. In the first place, it is argued that the Church and the nation are one and the same; therefore what belongs to the Church belongs to the nation. It is curious to find Mr. Miall insisting, for one purpose, upon the identity of the Church with the nation; a fact which he so strenuously denies for another purpose; and quoting Hooker in support of what is unquestionably a fundamental truth of the Constitution. "One and the selfsame multitude may be both Church and Commonwealth," as Hooker says, when disendowment is the question. When disestablishment is the question, a great part of Mr. Miall's speech is devoted to shewing that one and the selfsame multitude are *not* both Church and Commonwealth. However, he is right constitutionally. The Church and the nation are one in a political sense. The State supposes the Churchmanship of every subject; even Dissenters cannot altogether separate themselves from the Church; and we hope the time will come when they shall no longer see cause to do so. Meanwhile we are content to set one argument against the other. The Church was once co-extensive with the nation. Unhappily she is so no longer in fact, though she is so still in theory. While she was so, she acquired the greatest part of her possessions—possessions which she continued to hold for hundreds of years after she had ceased to be co-extensive with the nation. Her prescriptive right is of a double nature, drawn partly from the time when she was in fact co-extensive, partly from the time during which she has not been so. Can she now be equitably deprived of those possessions because she is still co-extensive with the nation in theory?

The other argument is, that the Church is not a corporation, but a system of doctrine and discipline: and not being a corporation, can neither hold property nor be said to lose it. In the

words of Mr. Miall, “the Church of England, viewed in any such light as will warrant one part of the nation in calling it *their* Church, in a sense at least in which it is not equally the Church of every other subject of the realm, is nothing more than a system of ecclesiastical faith, government, usage and service, ‘as established by law.’” Therefore, the Church can neither hold property, nor be despoiled of property; the Church does not exist as a corporate unity; she cannot be represented in any of our courts of law; “the Church of England is no more a corporate body than the army of England.” It is curious here, again, to find the very circumstance which has hitherto been regarded as the safeguard of the property of the Church turned against her by the ingenuity of Mr. Miall. Hitherto it has been held that the Church of England was secure in her property for the very reason that she was not a corporate body; and ecclesiastical lawyers thought that when so much of her property was incorporated in the Ecclesiastical Commission, this security was, so far forth, given up in a dangerous manner. But of that hereafter: now let us look whither Mr. Miall’s argument must lead him. The Church of England, he says, is not a corporate body, but a religious system. Well, the Church of England has never pretended to be a corporate body: nor is any religious denomination in the kingdom a corporate body: and if this be a reason why the Church cannot hold nor lose property, it is a reason equally applicable to the ecclesiastical systems known as Methodism or Congregationalism. The whole of the realised property of every religious body in the realm is touched by such an argument as this. And if the Church cannot be represented in a court of law, neither can Methodism or Congregationalism: but the clergy can appear or be represented there, and so can this or that trustee, or minister, or congregation of the Dissenters. And, as if to guard the rights of ecclesiastical ownership against such quibbles as these, it is that, in the case of individual possessors, the law has long ago invented those fictitious or artificial personages known as “corporations sole,” in which it has invested the ownership of the fee simple of ecclesiastical estates. A clergyman possesses his benefice as a

corporation sole : the law invests and recognises the ownership of church and glebe and tithes in this artificial being, who is made up of the present occupant and all future occupants to the end of time. As a corporation sole the clergyman enjoys his land and tithes ; as a corporation sole he attends in court to defend them, if his possession be disputed. Neither the Church nor any Dissenting communion is incorporated, nor possesses corporate unity, nor need be so in the eye of the law, in order to the preservation of all property devoted to religion.

The real beneficiaries, both in the case of the Church and of Dissenters, are the people who attend the services, and for whom those services are kept up. In neither case are these beneficiaries incorporated : in both cases the State stands to them in the relation of a trustee. It is the part of the State to see that the endowments made in either case be bestowed according to the will of the donors : and, recognising the usefulness of endowing religion, the State has given to donors a power of ownership which is more than that which belongs to private property—the right of directing for ever the application of property so devoted. The endowments of Dissenting communities are managed by the Court of Chancery, which has the management of all property devoted to charitable uses. By the Court of Chancery trustees are appointed who are to see that the property is bestowed according to the wishes of founders : and, if the original designs fail, it is for the Court to see that the endowments still go to purposes analogous to those contemplated in the trust deeds. In the same way the Ecclesiastical Commission has the management of a great part of the endowments of the Church : redistributes them where the original design has grown obsolete ; makes great changes, but is bound to see that they are applied to uses which are agreeable with the wishes of the original founders. The State is the trustee in both cases : the conditions are the same : the want of corporate unity in the beneficiaries, the several communities, proves nothing with regard to their tenure, and is shared by all alike.

These are the general arguments upon which the proposal of

disendowment rests. We need hardly say that abstruse legal arguments of this kind are not likely to commend to the nation so tremendous a violation of all the established rules of property. We need hardly add that this is a distinctly secular movement, and that the force of religious Nonconformists that can be brought into the field for this purpose is not likely to be great. As it was propounded by Mr. Miall in his speech delivered at Leicester last year, the scheme would include not only the lands, tithes, and glebes, but the churches also. These are all to be made over to the parishes in which they stand, on the condition that they be used for ecclesiastical purposes no more (51). To this are the religious Dissenters brought by their alliance with the secularists: to this are they and the secularists alike brought by their attempt to violate equity in an equitable manner. The object of the Liberation Society, as expressed by itself some time ago, is, "the application to secular uses, after an equitable satisfaction of existing interests, of all national property now held in trust by the United Church of England and Ireland, and the Presbyterian Church of Scotland." In the recognition of equitable interests requiring to be satisfied lies an insuperable difficulty in the way of disendowment. How are existing interests to be equitably satisfied, and the lands and fabrics of the Church to be turned to secular uses? In the case of the clergy this is impossible. To leave them in undisturbed possession until they die out would not meet the case: for each of them is a corporation sole, and represents not only himself but an infinite succession of future holders, for whom not less than for him the endowment was designed. Mr. Miall, in his anxiety to reconcile equity with spoliation, is willing to do the thing as gently as possible. He would make allowance for the claims not only of existent but of expectant holders of Church property. But this only throws the injustice a little further off. The endowments were given in perpetuity: and how can any man be justly made the last beneficiary of any one of them?

Then what of the real beneficiaries, the people who receive the ministrations which these endowments were given to supply? Mr. Miall would hand over the churches founded

since the Reformation to the churchmen of the parishes in which they stand, and proposes a scheme of re-endowment into which we need not enter. The other churches—those that were founded before the Reformation—are, if we understand aright, to be handed over to the parishioners in general on one condition—that they are never to be used for religious purposes again! They may be turned to any “social or moral” purpose that the parish may desire: they may be made into assembly rooms, court-houses, or museums; or pulled down and sold for the price of the materials: but churches they may be no longer. After all, then, according to Mr. Miall, the Church has a right to keep some of her endowments. But if some, how not all? On what principle is the one to be taken and the other left?

In contrast with this wild talk may be set the opinions of several distinguished Nonconformists. Toulmin Smith, the late eminent barrister, wrote: “So far is the State from at present supporting the Church, that every parish church in England was founded, not by the State, but by individual donations in times past: while the parson’s income is entirely derived, partly from similar sources, and partly from a charge which has been attached, like any rentcharge, to the ownership of certain classes of property for centuries.”\* Dr. Pye Smith, perhaps the most celebrated Nonconformist of modern times, a name which would shed lustre on any church, expressly said: “Some would recommend that the State should assume Church property. I say not resume, for the State could not resume what it never gave. In my apprehension this would be downright robbery. May our country never be dishonoured by it.”†

We have dwelt the longer on this question of disendowment because it is really inseparable from that of disestablishment, however divisible from it in theory. When Mr. Miall and Mr. Disraeli reach the same conclusion, that it would be dangerous to disestablish the Church of England without disendowing her, it may safely be held that the two measures must go together.

We may now go on to illustrate from the remarkable history

\* ‘True Point at Issue,’ p. 5.

† Letter to Professor Lee.

of the Ecclesiastical Commission the general position here maintained—that the present agitation against the Church is out of time and little to be feared. The Ecclesiastical Commission was first formed in 1836: in that period of danger to the Church and to other national institutions which is now, in our belief, happily gone by. At that time the distribution of the revenues of the Church was so unequal as to cause a scandal. After a couple of centuries of poverty the Church had grown rich again through the increase in the value of the estates which were left to her from the Reformation. But the bad distribution of her revenues—in itself a proof of their private origin—gave too much to the few, and almost nothing to the many. The inequality was made greater by the enormous robberies of the sixteenth century, by which, amid the multitude of benefices that were stripped and wasted, one here and there was left accidentally untouched. A redistribution had been called for in the days of the Commonwealth (30): in the first part of the nineteenth century it was doubly necessary. The richer clergy occupied an invidious position, though the poverty of their brethren was no fault of theirs, but of the laymen who continued to hold the property of the Church. But it was not the restoration of alienated property, but the redistribution of what had escaped alienation, that was proposed to remedy the disgraceful poverty of the greater part of the benefices.

For this work the “Commission of Church Inquiry” was established, which was the germ of the present great Ecclesiastical Commission.\* With continually augmented powers the Ecclesiastical Commission has been for years dealing with an immense and complicated mass of Church property, with the aim of making it more serviceable to the community. The process has been slow, no doubt, for property cannot change hands in a day; the expiration of leases has to be waited for, and a vast variety of separate arrangements to be made. But on the whole the principles on which the Commissioners have acted have been good, and much has been done. Property has

\* First and second general ‘Reports of the Ecclesiastical Commission,’ 1845, and 1847 (lately reprinted).

been dealt with very boldly ; for instance, the estates of deans and chapters have been applied to the benefit of an immense number of parishes which had claims upon them ; but the property has been devoted, not to secular, but to pious uses ; and by the respect thus paid to local claims, a great deal that was in fact alienated in the hands of lay lessees has been recovered to something like the original destination. Nor, again, has any resistance been made to the action of the Commissioners by the Episcopal and Capitular corporations whose estates have been dealt with. A great work for the national benefit was to be performed, and it has been carried on with the acquiescence of those bodies. The Church less deserves disendowment on the score of national advantage than ever she did.

The Ecclesiastical Commission is a corporation. It can buy and hold Ecclesiastical property in spite of the laws of Mortmain. And by some Churchmen it has been held that in submitting without a protest to the creation of so powerful a body the Church lost that protection of her property which lay in her own want of corporate unity. “The important principle upon which the inviolability of the Church Establishment depends, that the Church generally possesses no property as a corporation, or which is applicable to general purposes ; but that each particular ecclesiastical corporation, whether aggregate or sole, has its property separate, distinct, and inalienable, according to the intention of the original endowment, was given up without an effort to defend it.” \* If then, as Mr. Miall argues, the Church of England cannot be represented in a court of law, and neither hold nor lose property, at least this immense corporation, the Ecclesiastical Commission, both can and does. It makes for the Church of England the nearest approach to corporate unity that is made by any religious system in the kingdom.

Thus it is evident that the cry for disendowment is most out of date at the present time, when it has been raised so loudly as to make itself heard within the walls of Parliament. The richest of the endowments of the Church have been already

\* Cripps’s ‘Laws of the Church and Clergy,’ p. 41.

surrendered for the general good of the Church and nation. They have been surrendered, and about half of them devoted to remedy evils which were not the fault of the Church nor of the founders of the Church. The wretched poverty in which most of the benefices were sunk was caused by the appropriation by laymen of great part of the original endowments ; and the endowments which escaped have been taken to make up deficiencies. There was no other remedy. It was neither practicable nor desirable that prescription should be violated by the recovery of impropriated endowments from the laymen who had so long held them ; and Parliamentary grants would have caused great and just offence to Dissenters, besides being contrary to the nature of ecclesiastical endowments.

The Ecclesiastical Commission does with the lands of bishops and chapters what they could never do themselves. It can afford to wait for the falling in of leases, whereas those old corporations were obliged to renew them, that they might live on the money paid for renewals ; and when it has got the lands, it lets them for their full value. By this means it is able to pay the old corporations out of half their lands as much as they used to get from the whole under their own system, and the other moiety is taken out of the hands of laymen (regard being had to equity \*) and devoted to other beneficial purposes for the Church. The creation of such an organism for such a purpose is a proof that the voice of the nation is with the Church. The sixteenth century saw Ecclesiastical Commissions created for very different purposes.

\* It is true that in a few instances, litigation has arisen from the operations of the Commission.

## CHAPTER VII.

RELIGIOUS, SOCIAL, AND POLITICAL ADVANTAGES OF THE UNION  
BETWEEN CHURCH AND STATE—INSUFFICIENCY OF THE  
VOLUNTARY PRINCIPLE—COMPARISON WITH FOREIGN COUN-  
TRIES—CONCLUSION.

THE British Constitution implies the Connection of the Church with the State. That connection cannot be broken without violating the Constitution. In nothing has the continuity which is the glory of English history been exhibited so strikingly as in the maintenance of the relations between the two parts of the body politic, the temporality and the spirituality. The co-extension and unity of the Church and the nation, once a fact, remains fixed in the Constitution to the present hour. Throughout Europe the Reformation, which loosened the grasp of the old system of doctrine, only drew the State and the Church closer to one another. In England, alone of the great countries, was the union still further tested by a mighty political Revolution, which followed immediately after the Reformation. Yet still the union between the two parts of the body politic remained unbroken. One form of Church government was twice substituted for another—Presbyterianism supplanted Episcopacy, and Episcopacy supplanted Presbyterianism; but the connection between the Church and the State of England was never interrupted for a moment.

The advantages which have flowed from this connection, this identity, are manifold. The Church has grown to be a wonderful expression of the national mind. Above every institution of the realm she presents that combination of liberty with authority, which is characteristic of the nation. She is an ecclesiastical system—a system of doctrine and discipline—

which is itself a compromise of systems. Her ministers enjoy a liberty of thought which is shared by the ministers of no other communion in the land ; and there cannot be a doubt that this intellectual liberty of the clergy is of public benefit. A clergyman of the national Church is not bound by his ministerial profession to be the supporter of any particular platform of doctrine. He may hold what views he pleases within very wide limits—limits however which have been clearly laid down by the recent great and creditable Judgments of the Supreme Court of Appeal. But he is bound to maintain one thing, and that is the Christian religion. Hence his ministry is addressed to a wider public than can be reached by the promulgator of any particular scheme of doctrines, however eloquent and learned he may be. By virtue of belonging to the national Church he stands at once in a more Catholic position as a public teacher than he could possibly attain from any other circumstance. We have purposely kept out of sight the religious arguments which might justly be urged in defence of the national establishment of religion ; but this of the Catholicity of teaching, which is ensured by it, is an argument, the value of which will be admitted by all who see that religion should be truly taught, and that truth is many-sided. There have been divines as profound, as learned, as eloquent among the Nonconformists as in the Church ; but when we want theology, we do not go to them, but to their brethren of the Church ; for the powers of the latter have not been absorbed by this or that system of doctrine, but have been free to engage themselves on the deeper and more essential parts of theology without prejudice and without restraint.

This largeness, this Catholicity, is not apparent only in the difference between the teaching and ministry of the Church and of other religious communities. It extends itself to Church-membership ; and in this it has brought forth results which have commended themselves to the habits of thought prevalent in the nation. The State pre-supposes the Church-membership of every subject ; that is to say, by the existing relations between Church and State, by their identity in the Constitution, every person who belongs to the one belongs to

the other. There is a largeness and grandeur in this, as a religious consideration, which cannot be seen elsewhere. It is the birthright of an Englishman to belong to the Church. It is the union of the Church with the State which makes her, as a visible Church, co-extensive with the nation. Her tendency is to enlarge her terms of communion, to make her outward and visible presence as wide and far-reaching as it can be made. The tendency of the other religious bodies is to narrow their terms of communion, to reduce the difference between the visible and invisible, the outer and inner community, to the smallest; to admit as few as possible who do not profess everything. The former course has been made a cause of reproach against the National Church from the time when the great Separations began. "Obey the bishops, and be a devil," said one of the founders of the Independents. But in fact this keeping wide the terms of communion, this having an outer as well as inner community, is the peculiar glory of the Church, and belongs to her national character. It is this which enables the Church to invest with religion many actions and parts of life, which by the sectarian bodies are regarded as exclusively secular. Such are the elections of Church officers; a piece of business in which the conduct of the Established Church stands in favourable contrast with that of non-established churches. Compare, for instance, the election of an English bishop, which is of course absolutely under the control of the State, with the fierce party conflicts which attend the election of every bishop in the free Church of Canada. The tendency of the system of the Established Church is to spread religion over the whole of life; that of the sectarian bodies is to regard religion as existing only in the soul of the worshipper, to be manifested only in the direct acts of church communion. We are not speaking with the remotest design of giving offence; we are merely pointing out the opposite tendencies of opposite systems, which are regarded with equal admiration by those who support them. It cannot at least be denied that the one is broader than the other.

The Church would lose this nationally Catholic character, were she disestablished. We cannot see that any bond of

doctrine or ecclesiastical government, such as the Apostolical Succession, the doctrine of the Real Presence, or the same taken in their wider sense as Episcopacy and the Sacramental system, would hold together the same number of laymen and clergymen in one communion as is now held together in the Church of England. The clergy would lose that liberty which gives life and vigour to their ministry: they would become “an enslaved clergy in the midst of an indifferent laity.”\* The continual controversies which are waged between different schools of Christian thought within the Church would indeed cease: the men who profess to be scandalised by those controversies, and who are never weary of telling the Church that her real danger is from her internal convulsions, would no longer have cause to say what they say: but this would be because every difference would create a schism, and from the ruins of the national Church a new multitude of sects would spring. The outward hold which religion has upon thousands through the inclusive constitution of the Church would be paralysed at once, and drop off: and no firmer hold would be gained in place of it. It has often enough been brought as a reproach against the Church that a vast number of her members are members only in name. We may be sure of one thing, that if they ceased to belong to the Church, they would not come to belong to any sect: they would become nothing at all in religion. From languid and nominal Churchmanship they would be awakened by the touch of disestablishment into conscious contempt for religion, into complacent indifference and infidelity. It is the union with the State, the feeling that he who belongs to the State belongs to the Church also, that in the Church is to be found the religion which is publicly professed by the nation, which is the great power by which outward religion is maintained. It is the Church as a Polity, as the Ecclesiastical State, embracing the nation as the spirituality, which draws the people. The connection of the State with the ecclesiastical system maintained by the Church represents the religious choice of the people, made in an immemorial antiquity, and never revoked.

\* Stanley.

By the severance of this connection a serious blow would be aimed at the hopes which are entertained of the reunion of the Churches of Christendom: towards which the Church of England has done more than any other Church in the last ten years.\* . The Pan-Anglican Synod was a memorable event, which shewed the strength of the tie between the Church of the mother country and the daughters which she has planted, whether free, like the Canadian Churches, or still under the control of the State of England, like the South African Churches. It showed the Church of England in something like her old imperial position as the centre of the Anglican Churches throughout the world, and the great see of Canterbury in the position of the Anglican patriarchate (41). But in endeavouring to bring about a union of Eastern and Western Christendom, the Church of England has to speak to national, endowed, and established Churches, such as those of Germany, Hungary, France, and Russia: and she cannot speak with the voice of England unless she be herself the national Church of England. The failure of the Evangelical Alliance to produce much effect, after years of effort, is enough to show that no organisation can take the place of a national Church in questions concerning the comity of Christendom.

It is perhaps hardly necessary to repeat the able arguments of Dr. Chalmers on the territorial distribution of the means of religion, which has been ensured by the national character of the Church. When the Church was co-extensive with the nation, churches were planted everywhere by private founders. It cannot, however, be said that the territorial distribution, if it grew out of the ancient identity of the Church with the nation, is a thing of the past, and was done once for all. The territorial distribution of religion is going on still, and under the direct and most beneficent guidance of the State. The old parochial boundaries have been disregarded within the last few years: new districts and new parishes have been formed according to population by Acts of Parliament: and thus religion is brought

\* "More has been done in England in the last nine or ten years to bring about a corporative union, a union of the Eastern, Western, and Anglican

Churches, than in any other country." Dollinger's 'Lectures on the English Church,' reported in the *Guardian*, April 3, 1872.

before the people in the most direct and authoritative manner. Even now the territorial distribution, or re-distribution, has not overtaken the wants of the people. What would have been the case if there had been no such means of facilitating it as the dividing of parishes by the power of the State? The insufficiency of the voluntary principle has been thoroughly demonstrated in countries where it has had the field to itself. Sixty years ago a traveller who passed through the Western States of America was filled with horror at the religious destitution which he beheld among the vast and increasing population. Among a million of people there were but a hundred ministers. Another traveller in the same country declared his conviction that, after seeing what he had seen, "a sober man could hardly hesitate, whatever may have been his original opinion on the subject, that the legislature is bound to establish the public worship of God."\* The same scenes of the tremendous rush of immigration and the feeble struggles of voluntary piety are at this day enacted in other regions of the mighty Western Continent—in Manitoba, for instance, or the Red River Settlement, and in the rest of Rupert's Land. Where there are a few hundred settlers one year, the next year there may be twenty thousand.† There is no public provision for religion; the voluntary efforts of the great missionary societies of the Church and Dissenters of England are wholly unable to meet the condition of things.

But we need not look abroad. The efforts of the Church, aided by Acts of Parliament, have been immense of late years to overtake the population of this country. Yet, in spite of all, she has by no means fully succeeded. There are still outlying hamlets far from her places of worship: there are still, after all the subdivisions of parishes, thickly-crowded districts in the towns, into which she has made no way. What would have been the state of things without her? If there are any witnesses competent to tell us—to speak with authority on this subject—they are the generous and faithful allies of the Church,

\* Rev. J. S. Mills and Dr. Dwight, quoted in 'Essays on the Church, by a Layman,' p. 82.

† Bishop of Rupert's Land, in 'Report of the Church Congress of Nottingham,' p. 170.

they who have shared with her in the mighty work of recovering the people from the spiritual destitution into which they were sunk at the beginning of the century. Far more than "the three Denominations"—far more than any denomination—the Methodists have spread the truths of religion in the city and the wilderness, among the masses of the city poor, and the rough toilers of the holms, the wealds, and the coasts. What do they say of the Church? Forty years ago, before the Church had regained the power of action which she manifests to-day, at a time when she was assailed with a violence before which she seemed to tremble, the 'Methodist Magazine' said:—"Rising above the influence of mere sectarian feelings, they (the Methodists) are anxious that the religious wants of the nation at large should be fully met: and comparing the utmost of what the Dissenters and themselves have done, or are able to do, with what remains to be done in the land, they are persuaded that the cause of our common Christianity so needs the extensive provision of means made by the Established Church, that, were she overthrown, a vast proportion of our teeming population must be left in utter destitution even of the outward means of religion. By the overthrow of the Church we do not intend her ceasing to exist as a Church, but her being removed from the foundation of a State religion. Our argument is, that it is because the Church of England is established by law, that she is able to provide a much larger amount of religious instruction for the nation at large than she possibly could do, were she subverted as an Establishment. . . . Let the Establishment be subverted, and let her be stripped of her wealth, and let the religious necessities of the nation be made henceforth to depend for supply exclusively on the 'voluntary principle,' and what must be the result? We confess that our Christian and patriotic feelings are so excited on this point that we cannot steadily contemplate what we think must be the inevitable consequences of a vast and every-day increasing proportion of the population being thus utterly abandoned to open undisturbed Sabbath profanation, to irreligion and infidelity, and every evil agency now actively at work in society. . . . If then the Methodists, as a body, have not ranged themselves

in the ranks of low dissent, and participated in the design of subverting the Establishment; if they have rather invariably maintained a friendly position towards the Church: it has been from a persuasion of the utility, nay, under present circumstances, the *necessity* of an established religion, for securing to the nation such an amount of religious instruction as could not be provided by merely voluntary efforts: and from a conviction that the cause of religion is not best promoted by one religious body striving to uproot another: but that the religious wants of the nation require all to renounce the spirit of party, and in their different spheres to do all the good they can.”\*

The religious teaching, then, as we have seen, which is given to the people by the Church, is made higher, more Catholic and generous, <sup>1</sup> through the connection of the Church with the State: the distribution of that teaching is ensured by the same means. When we look at the question from a social point of view, the advantages which are given by the constitution of the Church in the State appear equally great. The offices held in the Church have long ceased to be sinecures for gentlemen: they all involve a life of hard work, self-denial, and constant attention to duties. Pluralities have ceased, and non-residence is done away. A man who holds a benefice is compelled to pass the greatest part of his life in the midst of his people, in the eye of observation, often with the possibility hanging over him of unsparing comments on his ministerial conduct from anonymous writers in the public journals. These circumstances have made a difference in the sort of candidates who offer themselves for ordination: they deter those who look on Holy Orders as the passport to a life of gentlemanlike ease. But it is important that the alteration should not go too far. It is important that men of social position and wealth should be attracted to the ministry of religion. A rich man who devotes himself and his wealth to the ministry of religion—to pious and charitable uses—does more for his country than he would do by employing his time, talents, and money in any other way. The conditions on which he accepts any benefice are such as to

\* ‘Wesleyan Methodist Magazine,’ April, 1834.

ensure that a great part of his money must be spent among his people—often to their unspeakable advantage. There are parts of the country in which the presence of the resident clergyman and his family is almost the only guarantee of any circulation of money (45). All this is advantageous. Men of comparative wealth are kept in the country; and they keep others in the country. Their presence has a tendency, so far as it goes, to check that ceaseless thronging into large towns which is among the greatest of the social evils of the day. Now, what is it that induces men of this stamp to undertake the ministerial office, which has been very properly stripped of all that recommended it to the idle and incompetent? Undoubtedly it is—apart from religious convictions—the feeling that they are becoming officers in the Ecclesiastical State, that the Church in which they take the office of ministry is the national Church. This is about the only social attraction that is left: and a very legitimate one it is.

At the same time it must not be concluded that the endowments of the Church are only for the rich: that her benefices are only to be got by those who can lay down beside them as much more as they are worth. It is a good thing when it is so, *eaeteris paribus*: but there never was a time when it was less true that poverty and want of connections stood in the way of reaching the endowments of the Church. The argument of Charles I.—(that unfortunate monarch)—still holds good, that the endowments of the Church ought not to be disturbed or confiscated, because they are estates to which many who are born to no estate may hope to come (29).

This brings us to the question of patronage: a question which lies rather beside our mark, but on which a few words may be allowed because of the heavy censures which are directed against the Church with regard to it. About half of the patronage of the Church is what has been called public, and about half is private. The public patronage—that of the Crown, of bishops, of capitular bodies—is generally acknowledged to be well administered. The nepotism of bishops has ceased: the patronage of Chapters has been regulated by Act of Parliament. But as regards private patronage great abuses

are said to exist. Certain ecclesiastical journals have their columns filled with advertisements of preferments on sale or exchange: and this certainly has an unpleasant look. It seems very like making a merchandise of sacred things on the part both of patrons and clergy. And yet it may be argued that the unseemliness is not very real. A clergyman is a clergyman: he has satisfied the bishop of his fitness; and the patron sells his living to one whom he has no reason to suppose unfit, even if he does not give it to one whom he has ascertained to be fit. This is not the very highest view to take of the duties of an *advocatus ecclesiae*, or holder of an advowson: and we believe that treating patronage as property, and selling it, is, on a large scale, rather a modern thing. But the question is, whether it works well. It may be answered that the difference between one clergyman and another is not usually so great as to yield frequent cases of extreme unfitness. The principle, at least, of sale has been sanctioned by the Legislature in the bill for the sale of Chancellor's livings by which much public patronage has been turned into private, though on conditions advantageous to the Church, not to the seller. And the more objectionable parts of the system of private patronage are easily removable by constitutional means. The sale of next presentations, for example, is a more repulsive thing than the sale of advowsons: and the sale of next presentations is just about to be stopped by Act of Parliament. On the general subject of patronage a report last year was submitted to Convocation: and it is probable that important recommendations will be made by that body to the Legislature. Thus one of the weak places of the Church may be repaired without violence or difficulty.

Whatever the Church possesses is, in one word, so much saved from private or selfish uses, and devoted to pious and charitable uses: devoted, that is, to the social well-being of the nation.

And when we turn more directly to political considerations, we reach the same conclusion. The organism of the Church, moulded from the beginning on the civil organism of England, has not ceased to be expressive of the political character and

instincts of the nation. The history of England shews that the nation is averse from excessive centralisation, delighting to maintain local authorities and to multiply local jurisdictions. To this the organism of the Church agrees. The ecclesiastical unit is the Parish: and the Parish has been truly described as a republic in itself(52.) The Parish Vestry is a meeting of lawful men, of freemen: the Churchwardens and Sidesmen are office-bearers elected by the Parish for the protection of the interests of all: and the Parish is governed by its own bye-laws. By this ancient free constitution the parishioner has certain rights on which he can insist. The minister of the Parish is his servant, and can be compelled to perform certain duties towards his parishioner, such as can be demanded of right from no other minister of religion. Whether Churchman or Dissenter, the parishioner can demand that his child be baptised in the Parish Church, and his dead buried in the Parish Churchyard.

It was argued at one time that the abolition of compulsory Church Rates would do away with the constitution of the Parochial Republics. But this has not been so. The collapse of Vestries, which was expected to follow the Act of 1868, has not come to pass. They meet, and freely discuss affairs, as heretofore, to the great benefit of all concerned. The Act indeed expressly preserved Vestries, and refrained from touching their right of making and dealing with rates: it only took away the power of recovering them by law. That much contested piece of legislation left the Parish as it was, so far as its free constitution was concerned: while as to the Church of England, it did not really affect her in her property. The property of the Church consists in estates, in glebes, in tithes: the gifts or donations made to her by founders. Rates are not donations made by founders, but grants made by each of the parochial self-governed republics: and as they were made, so they might be withheld without touching the Church in the point of property. It is true that these grants were old enough: they used to be collected in the seventh century: but the name by which they were anciently known, Church Shot shews that they were understood to be different from other

Church property in having the nature of a tax or grant. In this, as in other things, recent apparently hostile legislation has in reality only cleared the true relations which the Church bears to the whole body politic. Church Shot may be abolished, but not Church tithes.

But it would be a very different thing if the connection between the Church and the State were severed. It is that connection which secures the influence of the Parishioner in the affairs of the Church ; and this consideration cannot be too strongly impressed upon the public mind. The Parish is the nation in little. By the theory of the parochial constitution the Church is the Parish : just as by the theory of the national constitution the Church is the nation. By the facts of the case the Church is co-extensive with neither : and as this state of things necessitated the Toleration Act in the one case, so in the other it necessitated the Compulsory Church Rates Abolition Act, which is in a way the Toleration Act of the Parish. But further than that Act it will be difficult to go without breaking the constitution of the Parish, and putting an end to the rights of the Parishioner in the Church. If the Church were disestablished and disendowed, and all her parochial institutions put to secular uses, to suit the theories of Mr. Miall and the Liberationists, then of course there would be an end of the whole matter. The Parishioner, as a Parishioner, would have no rights in his Church, because he would have no Church at all. If, on the other hand, the Church were disestablished without being disendowed (which she never would be), the result would be no less fatal to the rights which every Parishioner at present has in the Church. The Church would retire into her own possessions. Her fabric would be for her own congregation : her minister would cease to be the servant of the whole parochial community : her affairs would no longer be discussed by the Parish Vestry. The endowments of the Church remaining, while the power of the State in sanctioning the position of the minister of the Parish was withdrawn, the old condition of things established by our ancestors would be half undone. The endowments were given by founders interested in the parish to provide for

the maintenance of the priest to do the duties of the parish. If the Church were disestablished, the endowments might remain, and the priest might remain, but he would be the parish priest no longer. He would be the minister of a denomination. And the power of the parish as a community would have disappeared.

Therefore we think that every measure which tends to develope activity in those ancient republics the Parishes of England, should receive encouragement from friends of the Church. The proposed creation of Parochial Councils, under Lord Sandon's Bill, is such a measure. It goes upon the old principle that the parishioner, as a parishioner, has a right to take part in all that concerns the Church in the parish. It takes no thought of his religious profession. Let him be what he may, as a parishioner he is a Churchman. This is the well known principle on which Church Rates used to be compulsorily levied. The true wisdom of the Church is to multiply all possible points of contact both with the State as incorporate with herself, and with the people as her people.

The dioceses, some of them more ancient than the parishes, are federations of these republics. Every part of their organisation—parish, rural deanery, archdeaconry—is built on the principle of the united action of clergy and laity, and is capable of being powerfully worked that way. Every part of their history—their creation, fluctuations, and subdivisions,—is a part of English history, and tells of the checkered destinies which the laity and clergy have passed through together as members of one great organic whole. Loose the connection which makes the territorial divisions of the Church divisions of the State, and those great ecclesiastical divisions will lose their significance. They will no longer belong to the organism of England. They will gradually cease to be understood. English history will to a great extent lose its continuity: the territorial distribution of the Church will not necessarily be of more general interest than the territorial distribution of Wesleyan Methodism into circuits and districts.

Some of the arguments of Churchmen, it may be answered, are mere sentiment. Well, a sentiment of pride in the past

history of the country, a sentiment that would seek to guide the future by the past, is not a thing to be laughed down by utilitarians and professors of "the logic of facts." Facts indeed are all in favour of the Church. The fact of her national existence, the fact of her free endowment, the fact of her continuity, the fact of her modern revival and present life, confront her enemies. The sentiment that would still preserve her is the sentiment which has prevailed hitherto in the nation in every crisis, and which has animated the greatest lovers of freedom and advancement. Whereas the desire to destroy her has its origin in no fixed cause; it is partly the mere instinct of destruction, and partly the result of persistent agitation. Knowledge would be the cure for half of it: and the revival of the study of English history in the present generation is a hopeful thing for the Church.

The maintenance of religion by the State is the principle of the Old World. The great crisis of the sixteenth century only brought this principle into clearer light; for in every country in Europe, except Holland, the Reformation was carried out by the direct intervention of the government. In Holland, the bloody animosities of the Reformed sections, the Remonstrants and Contra-Remonstrants, went to such a length as to bring the country to the verge of ruin, through the refusal of both parties to allow the State to control the Church. Germany has scarcely ever presented anything but State Churches. France and Spain, Hungary and Russia, Denmark and Sweden, Holland, Belgium, and Switzerland, all have Churches established by law. Italy, strange to say, is the only great country without an established national Church. Last year the Italian Government renounced the right of nominating to episcopal sees within its own dominions, and the absolute separation of Church and State is being now effected by the decrees of the Italian Parliament.

But there is a difference in the manner in which this great principle is carried out in various countries. In many of the greatest countries—in Germany, Holland, France—what may be called concurrent establishment prevails. All Churches are alike supported and controlled by the Government. This is a

system which is never likely to be adopted in England. To support all religious denominations alike implies a sort of contempt for them all. And instead of securing religious freedom, it is found to check it far more severely than the maintenance of a single Established Church. Under that system the religious bodies which are sanctioned by the government have to be registered in public documents; and the government only recognises those which are thus registered. In Germany, for instance, recognition is given to five denominations and no more—the Lutheran, the Reformed Church, the United Church, the Roman Catholic, and Judaism. It is impossible to found new religious communities beyond these. And religious men in the countries where this apparently liberal system prevails are found pointing to England as the true home of liberty of conscience. “In England every man may open a place of worship, print, distribute, or sell pamphlets; open a school, found a Church, preach in his house, in the street, or in a park: liberty of worship is there absolute.”\* To do the English Dissenters justice, this system of pensioning all religions was strongly denounced by them, when something like it was supposed to be contemplated about a generation ago.†

In some countries the English principle prevails—one system of religion is professed by the State, and all others are left to themselves. This is the case in some parts of Switzerland; and it is observable that those countries where Establishment and Toleration exist side by side, have been pointed at by the able orators of the Evangelical Alliance as the great seats of religious freedom.‡ In other countries—as in France, and Spain—there are Churches established by law and pensioned by the State, but not endowed with lands or tithes. The Russian Church, which is absolutely identical with the State, is not an endowed Church.§ Perhaps there is no country in the world but England where whatever is necessary to the

\* ‘Liberty of Conscience;’ a paper read by M. Bost, of Sédan, before the Conference of the Evangelical Alliance, 1855.

† See an article in the ‘Christian Witness’—the organ of the Congregational Union—entitled ‘The Age of

Bribery,’ May, 1844.

‡ Paper read before the Evangelical Alliance by M. Guder, of Berne, in the ‘Religious Condition of Christendom,’ pt. ii. 1857.

§ Stanley, ‘On Church and State,’ p. 346.

perfection of an established national church is combined with perfect religious liberty. It is necessary to the perfection of an established national church that it should be directed, not pensioned, by the State; that it should be endowed, but owe its endowments to private benefactors, as a proof that it has been voluntarily adopted throughout the nation; and that its government should be under the supreme control of the head of the State. All this, in combination with perfect toleration for those who choose to dissent and separate from the national communion, is found in England alone.

America is constantly pointed at by those who are anxious to dissolve the Union between Church and State in England, as the home of religious equality. There the Church is independent of the State, and the State of the Church: all religions are on the ~~same~~ footing; "the Reformation of the nineteenth century" is accomplished. And yet this jubilant assertion must be understood with some reservations. In the first place it is true only of the later years of American history. The old English principle of the union of Church and State existed in the original constitution of the several Colonies. It was not until the end of the second war with England that the disjunction was fully effected in the Southern States and New York. In New England it was not fully effected before 1833. Since that time the United States have been all that the Liberation Society would fain see England. The principle of independence, then, is still on its trial; for the time during which it has prevailed has not yet been long enough to allow a final judgment to be passed upon it. All that can yet be said is that it is impossible for the advocates of disestablishment in England to point with triumph to what that principle has done for America. The religious and moral condition of the States is not the most pleasing prospect to which the eye of philanthropy can turn. The religious communities there are reduced to a congeries of crumbling sects, each containing in itself the elements of future separation. The Common Schools, from which religion is banished, are held by some of the Americans themselves to be among the causes of the high rate of crime in the

country, since they sharpen the intellect and leave the moral nature undeveloped.\*

Again, we find that in America the principle of toleration has never been tried. Every other principle has been tried except that of toleration. The English union of Church and State was at first imported into the country; the other English principle by which that was supplemented—perfect freedom for all Dissenters—unhappily never followed it. In Virginia, Maryland, and the rest of the Southern Colonies, the Episcopal form of Church Government was established by law, and upheld by the civil power. In the vast colonies included under the name of New England, Congregationalism prevailed under the name of the “Established Order,” and was upheld by the civil power. But in the south Baptists preached from their prison windows; and in the north Quakers prayed on the carts in which they went to execution. The result was a protracted struggle, which ended, not in the establishment of the principle of toleration, but in the entire separation of the Church from the State. The English system cannot be said to have failed in America, for it has never been tried there.

In the greatest country of antiquity, and in the greatest country of the New World, the Church is separated from the State. In each may be seen an example of the opposite dangers which may arise from such a separation. In the case of Italy the danger is that a vast ecclesiastical power may rise up, opposed to the nation, possessing a matchless organism, boundless claims, mysterious and terrific activity. What that power can do, we are able to judge when we see the strongest government in Europe unable to control and driven to expel from its own territories the society which is the chief instrument of that power in every design. On the other hand, in America, the danger is of the debasement of religion. Strange sects are formed there, and number their votaries by the million. Strange superstitions spread themselves with the rapidity of a contagion.

It is to this more than the other danger that England would

\* See the authorities cited by the Bishop of Chester in his speech at the Meeting of the National Society in Liverpool, April, 1872.

become liable by the disruption of the union between Church and State. Law would be altogether removed from religion. The National Church, with her fixed standards of belief, has at least kept up truth and soberness in religion. Superstition and strange fancies have been not indeed coercively checked, but balanced by the firm and temperate character of the established faith.

Yet it is not even here that the chief danger would be found, if the State were to declare that it would have no more to do with religion. The chief danger would be the acceleration that would be given by this to the great movement of non-Christian or anti-Christian progress. It is unhappily too true that to a not inconsiderable part of the nation the state of religion is a thing of absolutely no moment. With this party it is in vain to argue upon religious grounds. It is vain to tell them that the teaching of the National Church is more liberal and more learned than that of any denomination; for they care for no religious teaching at all. The great efforts now made by the Church to reclaim the nation are to them only causes of more hostile feeling. Her downfall would be a joyful thing to them, because they know her to be the chief obstacle in the way of their own predominance. If the disestablishment of the Church would do any conceivable good to anybody, it would be to this party, not to the Dissenters. As long as the State continues to be connected with the Church, so long does it declare that it is important for the subject of the realm to be religious, and that religion is of more value than to be allowed to fluctuate according to the rate of supply and demand. So long therefore does it continue authoritatively to pronounce against the opinions of this section of the community. To disestablish the Church would be solemnly to make void this declaration, and to commit the whole nation to the hands of the non-religious part of it. There would be danger in this, not directly political danger perhaps; but the letting down of religion by the State, in its public and representative capacity, would be attended with a lowering of the moral tone of the nation which might be even politically dangerous. At least it would be a rupture of the Constitution: and a rupture of a

graver nature than may be commonly supposed. It would be a declaration by one part of the body politic that there is no other part—a declaration by the temporality that there is no spirituality, or rather that itself is no spirituality, and has no spiritual functions. A more complete undoing of the work of the past could hardly enter into the mind of man.

Of the effect of such a measure on the intellect of the nation, and on those productions of the intellect which are the greatest glory of a nation, we cannot speak without dread. Christianity has glorified art and literature: but art and literature have imbibed the colouring which they have taken from Christianity because Christianity has been upheld by the State. Poets, artists, and men of letters have been drawn to Christianity by this. Is it conceivable that the poetical masterpieces—those of Chaucer, Spenser, and even Milton—would have been what they are, if there had been no national acknowledgment of religion when they were written? that the Shakesperian romantic school would have emerged out of the Middle Ages, if the relations between Church and State had ceased at the Reformation? or that the great outburst of naturalism, which is known as the Renaissance, received no guidance from the continued recognition of Christianity by every State in Europe at the same time? Art and literature are losing rapidly enough the grace and refinement which they drew from their hold on the spiritual nature of man. The public abnegation of Christianity would little tend to enable them to regain those noble qualities.

Every argument that has ever been used against the separation of Church and State tells with double force now. The Church was never so well manned, so active, so comprehensive as now. Never has she been so inoffensive to the consciences or prejudices of those who differ from her; never so sincere in her desire to win back the sons of those men whom the false policy of former days alienated from her. She is in truth entering on a new stage of her long career: and in great part her way has been cleared for her by the very men who are among those who now seek her downfall. We have fully

acknowledged that the secessions of the Nonconformists taught great lessons to the Church. To gain the liberties which they had a right to have enjoyed within her they went out from her. Nay more, at the time when they seceded, they were the maintainers of the ancient constitution of the Church against a powerful cabal. They represented genuine antiquity, while their oppressors stood for modern deprivations. In their requests made to Charles II., for instance, they asked for no more than the restoration of that original synodal action which had died away to nothing in the long ascendancy of foreign usages, and which is being revived in the present day. In the Commonwealth they began a redistribution of ecclesiastical revenues, which is being carried out in the present day. Other instances have been given, in which the demands of the Puritans were simply for the restoration of the primitive constitution of the Church, or for the increase of her efficiency. The Reformation applied no remedy to the ill government of the Church. That was a work which descended to the Puritans: and which they endeavoured to accomplish by fair representation, by petition, and by other constitutional means, before they had recourse to secession. They have gained their object. What remains for them now but to return to the Church?

The same general observation may be applied to the State. We have noticed several important pieces of legislation—some of them deemed hostile by many Churchmen—by which in truth the primitive relations between the Church and the State have been restored. Indeed we may say that now for the first time for hundreds of years the State is in a position to assert the right relations between itself and the Church. The long suppressed liberties of the Church—suppressed during great political struggles—are being restored: and the State shews a disposition to entrust the Church with self-government to a greater extent than for hundreds of years. Let any one compare the writings of Dr. Arnold or of Dr. Burton on Church Reform, published about thirty years ago, with the history of ecclesiastical legislation from that time to this, and he will see at once how much has been done not only to increase the usefulness and elasticity of the Church, but also to restore her to

her primitive state of autonomy. From the revival of Convocation twenty years ago to the Elementary Education Act of the year before last, a series of really beneficial measures may be enumerated, by which the relations of the State to the Church have been defined and reduced to primitive simplicity.

The disadvantages which have hitherto attended the union between the Church and State of England—whether from the abuse of episcopal government, or from the obscuring of the light of the Church, and the oppression of her liberties during the struggles between the royal Prerogative and the Parliamentary institutions of the country—are not likely to occur again. For fifty years the vast course of a second reformation has been giving to the Church strength and elasticity, the growth and expansion of youth. To maintain the union under which this has been done is the high duty of all who are friends not only to the Church, but to the Constitution of their country. To sever that union—or rather, to divide that unity, of the State Ecclesiastical and Civil—is to incur the responsibility of undoing the work of the last fifty years, and of scattering to the winds the seeds of good which have been laid up for the future. It is to break the continuity of English history, and to put an end to the oldest national Church of the Western World.

## APPENDIX.

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1 (p. 263). *Origin of Private Patronage.—Parishes.*—“In the Greek Church he (Archbishop Theodore) had been familiar with the parochial system: and he determined to encourage the formation of parishes, and the erection of parish churches, by adopting the principle laid down by the Emperor Justinian, in the laws which he published in 541 and 543, according to which the right of patronage was conceded to the founders of churches and their heirs, provided that the church had a specific income for the maintenance of the minister. Theodorus persuaded the thanes and landed proprietors to assign to their former chaplains an independent position, and by placing a church in the centre of their estates, to secure a constant intercourse between the minister of the Gospel, the inmates of the castle, and the serfs. The endowments consisted, probably, of grants of land, or fixed charges upon persons and property: but of tithes no mention is made in Bede, although the wealthy had long been accustomed to devote a tenth of their income to charitable objects or religious uses.”—(Hook’s ‘Lives of the Archbishops,’ vol. i. p. 153.)

There is an excellent account of the origin of the parochial system and of lay patronage in Collier, ‘Ch. Hist.,’ vol. i. p. 540, ed. Barham.

The institution of parishes, with regard to local boundaries, is placed by the great authority of Eagle about the end of the ninth century.

2 (p. 265). *National Unity first taught by the Church.*—“Under the Heptarchic arrangement there was no organised unity but the ecclesiastical. The Church in this aspect is older than the State. The Church councils were the national councils, the metropolitan the only person whose word had the same force everywhere: it was through the Church that the nation first learned to realise its unity.”—(Stubbs, ‘Select Charters,’ p. 10.)

3 (p. 266). *The first English Monasteries and Orders.*—The monasteries or minsters which were originally founded by the bishops in their episcopal seats had for their inmates the foreign monks who were the first missionaries in the country. As these died out, their

places were filled by natives, who seem not usually to have embraced the monastic profession, but took the oath of canonical obedience to the bishop, and devoted themselves to the celebration of divine service and the education of youth. Thus the original monasteries were turned into clerical or canonical establishments. These clerical monasteries contained members of the noblest families in the land ; they were the training schools in which the bishops found the most learned and zealous of their clergy. Those who entered them did not renounce the right of disposing of their own property: a most important particular, in which they differed from the strict monastic profession.

These and the rest of the early English foundations have been claimed for their own order by the great Benedictine antiquaries Reyner and Mabillon. But the researches of Gibbon and Lingard, following those of Broughton, Thomassin, and Basnage, seem to establish that though the Benedictines gradually supplanted their competitors, yet there were other orders originally brought into Britain. There were the Gregorians, the order founded by Gregory the Great, to which the missionary Augustine belonged, and whose rule was observed at Canterbury in the seventh century, according to the testimony of Pope Honorius (*vestram dilectionem sectantem magistri et capitis sui S. Gregorii regulam.* *Baed.* ii. 18). This Gregorian order has, however, been claimed by the Benedictines as belonging to their institute (*Gibb.*, ch. 45, s. f.). There was also the Scottish discipline, diffused from Lindisfarne through the kingdoms of Bernicia and Deira, of Mercia and East Anglia. And there were the prevalent Benedictines. (Lingard's 'Ang.-Sax. Ch.', ch. iv.)

The inquiry is the more obscure because of the terrific destruction of monasteries of all kinds by the Danes in the ninth century. It is said that at the beginning of the tenth century the very name of monk, or perhaps rather the true meaning of the name, was forgotten in those parts of the country where monasteries had been most numerous and flourishing (*Inett.*, 'Orig.', i. p. 333). When Alfred and his successors endeavoured to restore the monasteries, they found few English people willing to become monks in the full sense of the word : and Alfred's foundation of Aethelingey had to be colonised from Gaul. The monasteries that were restored seemed to have been restored as secular, canonical, or clerical foundations, not regular monasteries : and many of the canons who belonged to them were married men.

The Reformation begun by Odo the Severe and Dunstan, in the reign of Edgar the Peaceful, came down on this state of things. Odo and Dunstan, backed by the king, tried to restore the Benedictine rule in all its strictness, as it had been revived abroad. Odo and Dunstan, and the men who followed their course in the reign of Edward the Confessor, were successful in many monasteries : but in others the bishops of the dioceses forebore to interfere, being content with the vow of canonical obedience which the clergy of their monasteries had made. The struggle between the canons and

monks of the older English sort on the one hand, and the new or reformed monks who adopted the rules of foreigners, continued to the Conquest. (An excellent account of Dunstan's Reformation is given in the 'Hist. of the Angl.-Sax. Ch.', by Lingard, vol. ii. ch. 12.)

4 (p. 267). *Tithes.*—Tithes are first mentioned, in English history, in the 'Excerpts' of Archbishop Egbert of York, where they are spoken of as already in existence, and directions are given for receiving and disposing of them, A.D. 740 (Johnson, i. p. 185). In the 17th Article of the Council of Calewith, A.D. 785, a general payment of tithes is ordered (Johnson, p. 277). It cannot be doubted that the voluntary offerings of the laity took the form of tithes from time immemorial in this country no less than in other countries. The first mention of them is found (as we see) in the annals of the Church, not the secular annals of the nation. Once made, they were in the first instance enforced by the Church with her own weapons of ecclesiastical censure, before they were enforced by the civil power. They passed from custom into canon law, before they passed into national law.

Before the present strange controversy arose concerning the nature of tithes, it was not doubted that they were voluntary offerings at first, and that the obligation of payment arose from their having been voluntarily made. This might be made out both from Selden, the great ancient authority, and Eagle, the great modern authority on the subject. The latter says: "The first payment of tithes in this kingdom was not created by any positive compulsory law, but was silently and imperceptibly introduced by the voluntary bounty of pious and devout persons."

It has however pleased recent controversialists to represent these ancient voluntary offerings as compulsory payments enacted by law, ordained from the beginning by "the State." Mr. Miall, e.g., in his 'Title Deeds of the Church of England,' calls tithe "an ancient tax." It is true indeed that there are a good many ancient charters granted by ancient kings, to be found in Selden's 'History of Tithes,' in which the payment of tithes is ordered or regulated. But they do not prove that the tithes which they ordered to be paid, were compulsory in their origin: they merely refer to an obligation of payment which had been incurred voluntarily. Mr. Pulman, in his 'Reply to Mr. Miall,' has abundantly shown that these ancient charters were made by the king without the witenagemot, that some of them only refer to the king's land, and some are only to enforce the payment of tithes already given by individuals.

Let us look at one of these charters. Ethelwulf's Grant, the celebrated charter by which that king is said to have ordered the tenth of land all over his dominions to be given to the Church, is produced by Mr. Miall with great triumph, as a proof of his theory of the compulsory origin of tithes. This charter is assigned by the

English Chronicles and by Asser to the year 855, when the king “booked the tenth part of his land all over his kingdom for the glory of God and his own eternal salvation.”—“Rex decimam totius regni sui partem ab omni regali servitio et tributo liberavit, in sempiterno graphio in cruce Christi pro redemptione animæ suæ et antecessorum suorum, uno et trino Deo immolavit” (Ass. *Ann.*, p. 156). The best authorities consider this charter to be spurious. All the copies that have been preserved are different from one another: and those who think them genuine are in doubt whether they are copies of the same original (Inett, ‘Orig.’ i. p. 272). And historians have been divided as to the meaning of the grant at least from the time of Lingard, whether the tenth part was of land or of produce; whether it extended all over the kingdom, or only over the king’s own domains (Ling. ‘A.-S. Ch.’ Note A in vol. i.). It cannot, then, be alleged for the purposes of controversy.

There are innumerable charters of gifts of tithes by noble and royal donors to particular churches. Donors are believed to have given their tithes at their pleasure, to whatever persons or corporations they preferred, up to the year 1200, when by a decretal epistle of Pope Innocent III. to the Archbishop of Canterbury they were ordered to be paid to the parishes in which the lands were situated. Thus they became parochial through the canon law, not through national law (Johnson, ii. p. 89). It is not known how this regulation became incorporated in general law.

The history of tithe is consistent throughout. It has always been a customary payment, to which legal right has been attached by the State, in accordance with the universal rule of property. This is a very different thing from a tax.

5 (p. 276). *The Election of Bishops.*—The important right of electing bishops, in the English Church, naturally fell to the king and witan, by whom the first bishops were admitted into the kingdom, and their sees assigned. This right was not disputed by Archbishop Theodore, the great organiser of the Church; but he seems to have made the improvement of procuring the elections to be made in synods (or gemots, whichever they be called) at which he presided as primate, and the king and witan attended (Lingard, ‘A.-S. Ch.’ i. p. 82). The election of St. Cuthbert to the see of Lindisfarne by the Synod of Adtwiford is an example of such an election. The archbishop presided, the king was present, the consent of all was obtained (‘Bæda,’ iv. ch. 28). It is said by some modern historians, chiefly on the authority of William of Malmesbury, that in time the election of bishops devolved on the clergy of the Cathedral Churches: “Electio præsulum et abbatum tempore Anglorum penes clericos et monachos fuit” (Malm. ‘de Pont.’ iii. 157, cited by Lingard, ‘Ang.-Sax. Ch.’ vol. i. p. 80). But Inett strenuously denies that a single instance of capitular election—election by the cathedral clergy—can be brought from any contemporary authority (‘Origines,’ vol. ii. p. 454). And certainly whenever the circumstances of an

election are recorded in the English Chronicles, the consent of the laity is mentioned. The case of Plegmund of Canterbury is no exception, since the reading that he was chosen of God, "and callen his halechen," which Lingard cites in order to prove capitular elections (vol. i. p. 82) is only found in one of the Chronicles, all the rest affirming that Plegmund was chosen "of God and of all the folk" (anno 890). In the account of the election of Archbishop Ælfric in one of the Chronicles (anno 995) the principle of national election, as opposed to capitular, is asserted both with regard to the archbishop, who was elected "by the king and all his witan," and also in the case of his clerical opponents who appealed to Rome, and were rejected by the Pope because they brought no letter from the king or the people. "The Pope would not do that, because they brought no writ from the king or from the folk: and bade them go, lo! where they would." Traces of capitular election are to be found from the days of Theodore (Stubbs, 'Sel. Char.', p. 130; Freeman, 'Norm. Conq.', vol. ii. p. 66); but the choice of the chapter must have been subject to the consent of the king and witan. In the Council of Winchester in the time of Dunstan, the attempt was made to invest the monks, who had displaced the secular canons in so many Cathedral churches, with the right of choosing the bishop of the see, on the same conditions on which they chose their abbot, that is, of making their selection from their own or from some other well-known monastery (Selden's 'Eadmer,' not. pp. 149, 150). But this was to be "Regis consensu et consilio;" and the regulation was soon broken (Lingard, 'A.-S. Ch.', vol. ii. p. 303). In the later English time we have many instances in which the king nominated to bishoprics without regard to clergy or laymen. (See the 'Chronicles,' annis 1044, 1045, 1046, 1047.) It was the practice of Edward the Confessor to notify the appointment of a prelate by charter, without any reference to an election. (Palgrave, 'Rise and Progress,' i. p. 173; Hook's 'Lives,' i. 480.) Under Canute and his successors the will of the king had been manifested in a no less imperious manner: and by them the practice of investiture with the ring and staff or crozier seems to have been introduced. Those emblems of episcopal authority were sent by the chapter to the king, when a vacancy occurred, and were returned by him with a notification of the person whom he appointed. This was no original custom of the English Church. (Lingard, i. p. 85; Collier, i. p. 520, ed. Barham.)

Hence it will be seen that when the national party, headed by Earl Godwine, expelled Robert the Norman from the see of Canterbury, and compelled Edward the Confessor to join the witan in electing Stigand into his place, without any capitular election whatever, they were justified by the practice of the Confessor himself, and of the kings next before him, by whom capitular election had been set aside altogether, or reduced to a shadow. Yet the disregard of capitular election in this case was one of the pretexts on which William the Conqueror invaded England.

When the question of election came up again between Henry I. and Saint Anselm, it was settled by a peace or compromise, by which the king gave up the practice of investiture with the ring and staff, and also that of nomination; but retained his hold over the bishop elect by virtue of the homage for the temporalities and the oath of fealty, which were to go before consecration. On this footing, freedom of election was promised and confirmed to the Church by all the great charters of liberty of the twelfth century. (See Appendix 6. *Charters of Ecclesiastical Liberties*.) That the elections to bishoprics and abbeys were jealously watched, as belonging to the rights of the kingdom, is evident from the direction in the 'Constitutions of Clarendon' (cap. 12), that they should take place in the royal Chapel, subject to the approval of the king and his council.

The process of *congé d'écrire*, or the king's license to elect, granted to the Chapters, is said to have been begun in the time of King John (Godolphin's 'Abridgment,' p. 42). As it is now carried out, it is the exact substitute for the old investiture by the ring and staff. And it is certain that the kings soon resumed the right of nomination, which Henry I. gave up: and accompanied the *congé d'écrire* with a letter missive, requiring the Chapter to elect the person named by the king. (See the case of Archbishop Bouchier, about 1433, in Hook's 'Lives,' vol. v. p. 276.)

In the thirteenth century the system of papal Provisions seems to have arisen, by which the Pope claimed a share in the election of bishops, and exacted an oath of canonical obedience from them. This abuse was resisted by Grosseteste, and limited by the Statute of Provisors; while the harm that might have arisen from the oath of obedience to the Pope was regularly abated by the subsequent oath of fealty to the king, by which the elected bishop was obliged to renounce all engagements to the Holy See which might be prejudicial to the realm. (See the oath taken by Chicheley to the Pope, Duck, 'Vita Chich.,' p. 12.) The Papal provisions, thus limited, continued to be allowed down to the Reformation, though we do not know to what extent they were practised: and the appointment of bishops was by a legal fiction, the king granting the *congé d'écrire* and nominating, the Pope providing, and the Chapter electing: the real power lay with the king. Archbishop Warham was appointed in this way.

At the beginning of the reign of Edward VI., Crammer put an end for a time to the legal fiction by admitting the sole right of the Crown in the appointment of bishops. At the head of the bishops he renewed his commission by the king's letters patent, acknowledging himself to be simply the servant or commissary of the Crown. (See the Instrument in Burnet, 'Coll. of Recs.' Bk. i. No. 2; 'Strype's Cramm.,' fol. p. 141.) An Act of Parliament was passed at the same time, to the effect that the election of bishops belonged to the king alone (1 Edw. VI. ch. 2). This was repealed at the beginning of Mary's reign (1 Mar., sess. 2, ch. 2), and the old process of

the congé d'élire (of course without papal Provisions) came back into use.

6. (p. 272). *Charters of Ecclesiastical Liberties*.—The first provision of the Charter of Henry I. is for restraining the oppressions of the Church by royal exactions during vacancies, and by keeping sees long vacant. This self-imposed limitation of the royal power runs as follows: Sanctam Dei ecclesiam imprimis liberam facis, ita quod nec vendam, nec ad firmam ponam, nec mortuo archiepiscopo sive episcopo sive abbate aliquid accipiam de dominico ecclesiae vel de hominibus ejus donec successor in eam ingrediatur. (Stubb's 'Select Charters,' p. 97.)

It need hardly be observed that this and subsequent Charters were in renewal of the old English laws. The first provision in the Ordinance of King Edgar, *e.g.*, was, "That God's Churches be entitled to every right." (*Ib.* p. 70.)

The Second Charter of Stephen is based upon that of Henry I. It bears the title *Carta Stephani Regis de libertatibus Ecclesiae Anglicanæ et regulari*: and begins with the same provision, *Dei sanctam ecclesiam liberam esse concedo, et debitam reverentiam illi confirmo*. It then goes on to declare that the king will neither do nor permit anything Simoniacal in the Church: that he leaves the jurisdiction over ecclesiastical persons and the distribution of ecclesiastical goods in the hands of the bishops: that the dignities of Churches, confirmed by privilege and custom should remain inviolate: that the tenures and possessions of churches, which they held on the day of the Conqueror's death, should be continued free and absolute, and all donations, made since his death, confirmed: and that if an ecclesiastical person made any reasonable disposition of his goods before death, it should hold good. (*Ib.* p. 114. 'Statutes of the Realm—Charters of Liberties,' p. 3.)

The Charter of Henry II., issued probably at his coronation, was a confirmation of that of his grandfather. The king who ordained the limiting Constitutions of Clarendon never for a moment thought that he was thereby violating the liberty which he promised in that Charter: and the somewhat vague phrase "liberties of the Church" must be understood to mean the liberties which the Church enjoyed under the old laws, defined on the one hand from illegal usurpations, and on the other from illegal independence.

In the Great Charter the first clause is: *Quod Anglicana ecclesia libera sit, et habeat jura sua integra, et libertatis suas integras*. This, in the original Charter, was followed by another for liberty of elections: a clause which was omitted in the reissues.

It is not uninteresting to find Whitgift pleading the Great Charter to Queen Elizabeth in deprecation of some meditated piece of spoliation. "They that consult *Magna Charta*," he is reported to have said to her, "shall find that as all your predecessors were at their coronation, so you also were sworn before all the nobility and bishops then present, and in the presence of God, and in His stead to him

that anointed you, to maintain the Church's lands, and the rights belonging to it: and this you yourself have testified openly to God at the holy altar, by laying your hands on the Bible, then lying upon it: and not only *Magna Charta*, but many modern statutes have denounced a curse upon those that break *Magna Charta*." He went on to tell her that her father, "after the violation of those laws to which he had sworn in *Magna Charta*, fell from one sin into another, and at last into greater sin than he was willing to mention." The original authority for this "excellent free speech" is Walton's 'Life of Hooker': see also Strype's 'Whitgift,' Bk. ii. c. 1 (p. 89, fol.); Collier's 'Church Hist.' vol. vii. p. 305, edit. Barham.

Of the Statutes denouncing curses against those who broke the Charter, to which Whitgift referred, the first is 25 Edward I. c. 4: to which is appended, as a second Statute, the sentence of the Clergy against the Breakers of the same. The Charter was ordered, at the same time, to be read in Cathedral Churches twice in the year. But before this time, in 1253, a solemn form of excommunication against breakers of the Charters was drawn up and signed by the English bishops in the presence of Henry III. and the chief nobility. (See Stubbs, p. 364.)

7. (p. 278). *On Canon Law in England*.—In the Old English times Canons or Ecclesiastical Laws were made in Witenagemot, by the authority of the king as representative of the nation. Such Ecclesiastical Laws form the bulk of the first volume of Johnson's collection, by whom they have been separated from the temporal laws, which were passed in the same assembly in the same manner. Of laws made by churchmen in their separate assemblies, for the regulation of their own order, there are very few belonging to this early period. The Canons of Archbishop Theodore, the great introducer of synodal action, made in the synods of Hertford and of Hatfield, and Archbishop Aelfric's Canons or Charge to his clergy, are almost the only examples: and these were no more prejudicial to the authority of the Crown than a modern bishop's charge to his clergy, which is, formally speaking, a piece of canon law. From the beginning the laws of the Church were part of the laws of the realm.

But the same early period contains the record of the first Roman aggression on the Church of England, made at the time when under the protection of Charles the Great, the pontiff was beginning to rise into his dangerous independence. In the year 785 two Italian legates from Pope Hadrian visited the kingdoms of Mercia and Northumbria, in which they held councils and passed the Canons or Constitutions known as the Legatine Canons of Calcuith. On this affair however it may be observed (1) that the councils at which the legates appeared were not ecclesiastical synods, but the usual assembly of the kingdoms, the Witenagemot; and their Canons were therefore only ecclesiastical laws made in the usual course: (2) That

the legates did not succeed in establishing a precedent ; this was the only legatine visit throughout the Old English period.

William the Conqueror ordained that the Church of England in council assembled might pass no laws or canons but such as were agreeable to the king's pleasure and had been first ordered by him : and Faulmer (' Hist. Nov.' p. 6, Selden) put this among the new things introduced by the Conqueror. It would only have been new in the sense of being contrary to a prevailing tendency of the clergy to make canons in their own separate assemblies ; and of this there is little trace before the Conquest.

Roman legates, who reappeared in England after the Conquest, did not proceed to the making of canons and imposing them on the English clergy before the Council of Westminster, 1125, in the reign of Henry I. : immediately after which the Archbishop of Canterbury, William of Corbeuil, took the office of papal legate upon himself, and was the first English archbishop who ever did so. To us this may appear a degradation of the realm : but we must remember that the claims of Rome were looked on very differently in the twelfth century. The superiority of Rome might then be fully admitted, and yet there might be the utmost resolution to maintain the independence of a national church. As matter of fact Archbishop William went to Rome in great trouble, "considering the Church of England to have suffered a heavy scandal" in submitting to the presidency of a foreign legate (Continuator of Flor. Wore, quoted in Hook's 'Lives,' vol. ii. p. 312) : and obtained leave to hold the office himself, thinking that—if there must be legates—it was better to become a *legatus natus* than to be ruled by a *legatus a latere*. This seems to have been the compromise by which the question was settled—that no canons should be made by a legate of Rome in a national or provincial synod of England, unless he were an English archbishop : nor in a diocesan synod, unless he were an English bishop. The only instance to the contrary which occurred before the thirteenth century was in 1138, when a foreign legate passed canons in a national synod under peculiar circumstances : the see of Canterbury being vacant, and the Archbishop of York sick. (Wilkins, 'Conc.' i. p. 414.)

It was in the thirteenth century that the Roman Canon Law—long corrupt itself—began to corrupt the Canon Law of England, so far as it ever did corrupt it. The Constitutions of Stephen Langton in 1226—noble patriot though he were—are said by Johnson (Gen. Pref.) to be the first that show the influence of true Popery. They are chiefly taken from the Lateran Council of 1216: and they deal forth excommunications in a very unsparing manner. It was in this age that the compromise of which we have just spoken was broken : the foreign legate Otho was brought into the kingdom by the miserable Henry III. in 1237, and passed his Constitutions in a council of all England, to the high resentment of the English clergy. In 1268 the humiliation was repeated. Ottobon came as legate, held a council, and ordained Constitutions, the English arch-

bishops and bishops being present. The affront is somewhat lessened by the reflection that the legate in this case was English by birth, had been Archdeacon of Canterbury, and was destined to be the only English Pope. In these Constitutions it was forbidden to clergymen to accept of secular jurisdiction from a secular person, or to take the title of Justice: though a saving of the King's prerogative to employ his subjects was inserted, which defeated the regulation. From that time no canons or constitutions were made in England either by foreign or English legates, though English bishops have held the office.\*

What the Canon Law of the Roman Church was, may be understood from the description given by Hallam ('Middle Ages,' ii. 3). The Roman collectors arranged the whole mass of jurisprudence contained in the decrees of councils and the decretal epistles of popes into an uniform system, which was arranged in imitation of the Civil Law of the Roman Empire. "After several minor compilations had appeared," says Hallam, "Gratian, an Italian monk, published, about the year 1140, his 'Decretum,' or general collection of canons, papal epistles, and sentences of fathers, arranged and digested into titles and chapters, in imitation of the 'Pandects,' which very little before had begun to be studied again with great diligence. This work of Gratian has been censured for notorious incorrectness as well as inconsistency, and especially for the authority given in it to the false decretals of Isidore, and consequently to the papal supremacy. It fell however short of what was required for that usurpation. Gregory IX. caused the five books of 'Decretals' to be published by Raimond de Pennafort in 1234. These consist almost entirely of rescripts issued by the latter popes, especially Alexander III., Innocent III., Honorius III., and Gregory himself. They form the most essential part of the canon law, the 'Decretum' of Gratian being comparatively obsolete. In these books we find a regular and copious system of jurisprudence, derived in a great measure from the civil law, but with considerable deviation and possibly improvement. Boniface VIII. added a sixth part, thence called the 'Sext,' itself divided into five books, in the nature of a supplement to the other five, of which it follows the arrangement, and composed of decisions promulgated since the pontificate of Gregory IX. New constitutions were subjoined by Clement V. and John XXII."

Thus it will be seen that the most essential part of the Roman Canon Law was formed in the thirteenth century. The study of this code produced a new class of legal practitioners, the canonists: it became obligatory on the ecclesiastical judges, and thus affected the ecclesiastical law of every country.

It did not however affect the ecclesiastical or canon law of Eng-

\* According to the Roman theory every archbishop of Canterbury or York (like those of Pisa, Rheims, and Metz), was a Legatus natus, or had inherent power legatine (Godolphin's

'Abridgment,' pp. 20, 105); and therefore it might perhaps be argued that the Constitutions of all the English archbishops were legatine.

land by any means to the extent which is usually believed. The latter, whenever it is not "contrariant" to the statutes of the realm, is still in force (13), and some of the best institutions of England have had their origin from it. Tithes, *e.g.*, were first made parochial by canon law. The Statutes of Cathedral Churches are a part of canon law which is still in force. "That law," as Dr. Benson admirably says, "is full of evidence against the papal system which increasingly violates it: on the other hand the study of it would be corrective of much non-conformity whose present prevalence and inherent weakness, are largely due to its own and our ignorance of the accumulated experience, sense and policy, which are condensed in that law. It was a measure of present convenience, but of short-sighted expediency which, under Henry VIII., suspended University degrees in canon law. The codification and rectification of it were admirably enterprised by Cranmer in the 'Reformatio Legum.' If the Cathedral System had been continuously worked, one of its benefits would have been the perpetuation of a deeper study of it." ('Essays on Cathedrals,' p. 256.)

The 'Reformatio Legum Ecclesiasticarum,' to which Dr. Benson alludes, was the abortive issue of the attempt made to reform the Canon Law of England in the sixteenth century. In 1532, the clergy in their Submission to the King, declared that "there were divers constitutions, ordinances, and canons prejudicial to the prerogative royal, and onerous to the king's subjects;" and proposed that the revision of these should be committed to sixteen of the clergy and sixteen of the laity (Wilk. 'Conc.' iii. 755). Parliament took this in hand by an Act empowering the King to name these thirty-two commissioners, in 1534, an Act which was twice renewed in Henry's reign (25 Hen. VIII. c. 19 : 27 Hen. VIII. c. 15 : 35 Hen. VIII. c. 16). They were to "search and examine the canons, constitutions and ordinances, provincial and synodal": and determine which of them should be kept and which abolished. The work was far advanced, when the king died. In 1549 a new Act was passed, enabling Edward VI. to issue a new Commission of the same number of thirty-two: but these commissioners were never nominated: and a royal commission was issued in 1551, entrusting the work to no more than eight persons, with Cranmer at the head. Again the work was nearly completed, when it was brought to an end by the death of the king. Under Elizabeth a call was made in Parliament by the Puritan member Strickland for the work that had been done by the Commissioners to be submitted to the House: but Elizabeth interfered and stopped this.

The 'Reformatio Legum Ecclesiasticarum' is what these Commissions produced: which was in this curious way always prevented from getting laid before Parliament or Convocation. It is much to be regretted that the original design of a reformation of the old English Canon Law was so widely departed from by the framers of this work. The 'Reformatio Legum' is a new code, a "Cranmerian code," as Hook calls it ('Lives,' 2nd scr. vol. ii. p. 295). It is

divided into fifty-one titles in imitation of 'Justinian' and of the Roman Canon Law. It is full of the doctrines and prejudices of the age. Modern writers seem all to agree that it is a good thing that it was never sanctioned by authority. But they are thus agreed from very different reasons. Some rejoice, because they think the Church was left, by the failure of this attempt, without any law at all except the Statutes of the Realm. Others rejoice because she was left and still remains under her own ancient canons, so far as these are not "contrariant" to the Statutes of the Realm. No doubt she is so. But then those ancient canons, at least the best of them, had fallen utterly into neglect at the time, and have remained in utter neglect up to this time, and here was an opportunity lost of getting them solemnly renewed. For example, the most essential of all the old canons to the wellbeing of the Church was that which ordered every bishop to hold a synod of his clergy every year. This had long fallen into utter neglect. It was renewed by the 'Reformatio Legum' (See. 'De Ecclesia et Ministris,' c. 19). If it had been also renewed by the authority of the realm, and strictly enforced, the history of the Church and of Nonconformity would have been very different.

8. (p. 283). *Letters of Remonstrance addressed by the English Clergy and People to the Pope in the Thirteenth Century.*—To Mr. Freeman belongs the credit of directing public attention to the truly national letter addressed in 1247 to Pope Innocent IV. in the name of "universitas cleri et populi per provinciam Cantuariensem constituti." It is to be found in Matthew Paris (p. 721, Wats), who introduces it by telling how the Archdeacons of England and a large part of the clergy of the whole realm assembled together with the nobles, and made common complaint of the intolerable and incessant exactions of the Pope: The Commonwealth was concerned, the interests of the whole realm were involved; clergy and people were alike distressed: They laid their complaints before the king as the guardian of the realm; and at length, by common agreement, wrote letters of grievances to the Pope and to the Cardinals—"ex parte communitatis totius cleri et populi regni Anglicani." The letter to the Cardinals is the longer, and goes into the particulars of the monstrous exactions of the Holy See; but both letters are firm in tone, though both are very respectful to the mother Church. These letters fully justify Mr. Freeman in saying, "Against King and Pope the whole nation stood united: clergy and laity, nobles and commons, men of Norman and men of Old English birth, all stood together against the King's foreign favourites and against the aggressions of Rome" ('Growth of Const.' p. 77). In the two preceding years there were two other letters sent to Rome, which are even better worth reading. The former was in the name of the "Magnates et Universitas Regni Angliæ": it remonstrated very sternly on the infringement of the rights of patronage by filling the livings with wolfish Italians, who did nothing, resided abroad, and took large sums out of the kingdom. The other letter was in the

name of the Earl of Cornwall, Simon de Montfort, and other Earls—“Et alii totius Regni Angliae Barones, proceres, et magnates, et nobiles portuum maris habitatores (barons of the Cinque Ports), necnon et cleris et populus universus.” It is supplemented by a letter from the Abbots of England, in which they warn the Pope against causing a separation of the Kingdom and the Priesthood, to the ruin of the Church. (Matt. Par. 666, 699, 700.)

9. (p. 284). *Ecclesiastical Courts.*—Ecclesiastical Courts are either—1. Diocesan, or, 2. Provincial. 1. Diocesan Courts of separate jurisdiction were first created by the well-known ordinance of William the Conqueror, who separated the temporal and spiritual courts. These were the Courts Christian, or Halimots, which became so immediately popular and important when they were created. They were held by the Ordinary: that is, either the Bishop of the diocese or his Chancellor, Commissary, or Official.

These Courts Christian were as popular as the Courts Baron, and the King's Courts, were unpopular, in the first ages after the Conquest. “When we think,” says Mr. Freeman, “of the horrible punishments, death and mutilations worse than death, which the courts of our Angevin Kings freely inflicted for very slight offences, we can understand that men looked favourably on the courts of the Bishops, were the heaviest penalties were stripes and imprisonments.” (‘Growth,’ p. 75). In the corruption before the Reformation, these courts had fallen into a bad state both from the absence of bishops from their dioceses, and the tyranny of bishops in their dioceses. They were probably no more corrupt than other courts, but were complained about all through the Reformation: and in his “Declaration concerning ecclesiastical affairs,” just before the great Presbyterian secession from the Church of England, Charles II. promised to reform them, so far as their jurisdiction affected ministers of the Church. “No chancellor, commissary, or official, shall decree any sentence of excommunication or absolution, or be judges in those things wherein any of the ministry are concerned” (Wilkins, iv. 562): a promise which he kept as he kept his other promises.

In their present limited ecclesiastical jurisdiction, these diocesan Consistory Courts afford perhaps the cheapest and most expeditious mode of getting justice that is to be found in the kingdom.

2. The Provincial Courts are those which are generally understood to be meant when we read in history of the Ecclesiastical Courts. They are—1. the Convocations, and 2, the Consistories of the Provinces of Canterbury and York.

1. The Convocations or Provincial Synods of Canterbury and York, are or were Courts, and are treated as such by ecclesiastical legists (e. g. Godolphin's ‘Abridg.’, p. 98.) See Appendix 10.

2. The Consistories of Canterbury have been far more conspicuous in history than the Consistory of York. One or two of them have been suppressed: and they now consist of the High Court of

Arches, the highest Consistory in the kingdom; the Court of Prorogative, which takes cognizance of Wills and Administrations; the Court of Peculiars, and some others.

The ancient mode of checking the jurisdiction of these Ecclesiastical Courts, when it went against the Common Law of the land, was by the issue of Prohibitions. A Prohibition is defined as "a commandment sent out of some of the King's higher Courts of Records, where Prohibitions have been used to be granted in the King's name, sealed with the seal of that Court, and subscribed with the test of the Chief Judge or Justice of that Court, from whence the Prohibition doth come, at the suggestion of the Plaintiff pretending himself to be aggrieved by some Ecclesiastical or Marine Judge, in non-admittance of some matter, or doing some other thing against his right, in his or their judicial proceedings, commanding the said ecclesiastical or marine Judge to proceed no further in the cause: and if they have sent out any censure, ecclesiastical or marine against the Plaintiff, they recall it, and loose him from the same." (Ridley's 'View,' p. 126.)

By 25 Henry VIII. 19, 4, the appeal from all the courts of the Archbishops was made to lie to the king in Chancery. But this great alteration of their jurisdiction seems to have had no effect for long. The Ecclesiastical Courts were crowded with business, and were checked, as of old, by Prohibitions. The issue of Prohibitions grew indeed, in the latter years of Elizabeth and the reign of James I., into an abuse. In Elizabeth's reign there were as many as 438 Prohibitions, granted many of them in cases of undoubted Ecclesiastical cognizance, many repeated in the same case without reason, or multiplied in different causes of the same nature, even after consultation. See an extremely able paper drawn up by Archbishop Bancroft under the title of "Certain Articles of abuses which are desired to be reformed in granting of Prohibitions." (Wilkin's 'Conc.' iv. p. 417.) In 1605 the Lower House of Convocation sent a petition to the king against Prohibitions. They represented simply that they were defrauded of their tithes and impoverished by persons who, when they were sued in the Ecclesiastical Courts, immediately got a Prohibition from the Temporal Courts. (Wilkin's 'Conc.' iv. p. 429.)

The Court of Delegates was so called because it sat by Commission under the Great Seal, upon an appeal to the King in Chancery. (For the origin of this celebrated court see 24 Henry VIII. c. 12; 25 Henr. VIII. c. 19, 4.)

By 2 & 3 Wm. IV. c. 92, in 1832, the powers of the High Court of Delegates were transferred to his Majesty in Council, which transfer was further regulated by 3 & 4 Wm. IV. c. 41, and by 7 & 8 Vict. c. 69.

By the first of the two last-named acts the Judicial Committee of the Privy Council was formed, and made to consist of the Lord President of the Council, the Lord Chancellor, and the following persons, being Councillors:—The Lord Keeper of the Great Seal, the Chief Justice

of Queen's Bench, the Master of the Rolls, the Vice-Chancellor, the Chief Justice of the Court of Common Pleas, the Chief Baron of the Exchequer, the Judge of the Prerogative Court of Canterbury, the Judge of the Admiralty Court, the Chief Judge of the Bankruptcy Court, and all who have held the above offices. By the last named Act the jurisdiction of Judicial Committee was extended to the colonies.

It will be seen that no spiritual person is on the Judicial Committee. But by another Act—3 & 4 Vict. c. 86, s. 16—the Act “for better enforcing Church Discipline, 1840,—it was ordained that all Archbishops and Bishops, being members of the Privy Council, should be members of the Judicial Committee for all appeals under that Act. Thus in cases of discipline spiritual persons are on the Committee: not in other cases. This has been made the cause of heavy and perhaps not unreasonable complaint; see *e.g.*, the Essay by a Magistrate on the Court of Final Appeal, in *The Church and the World*, 1867. Nevertheless it is true, as the present Archbishop of Canterbury said, in his Charge to the London Clergy in 1866, that “the chief bishops sit in this Court,” as assessors and advisers, even though they constitute no part of the tribunal, except in cases of discipline.

10 (p. 286). *Parliamentary Position of the Clergy: Convocation.*—The great constitutionalists Hallam, Stubbs, and Freeman, agree in holding that Edward I. designed to include the lower clergy in Parliament by their representatives (Hallam, ‘Midd. Ages,’ vol. ii. 261, *et seq.*; Stubbs, ‘Sel. Ch.’ pp. 37, 156, 169, 171; Freeman, ‘Growth of Const.’, p. 90): that the clergy actually sat in the House of Commons down to about the end of the fourteenth century (Hall. ‘Midd. Ages,’ ii. 208, note): that the right was lost only by disuse, the clergy preferring to vote their aids in their own assembly or Convocation.

“It is now perhaps scarcely known,” says Hallam, “by many persons not unversed in the constitution of their country, that, besides the bishops and baronial abbots, the inferior clergy were regularly summoned at every parliament. In the writ of summons to a bishop he is still directed to cause the dean of his cathedral church, the archdeacon of his diocese, with one proctor from the chapter of the former, and two from the body of his clergy, to attend with him at the place of meeting. This might by an unobservant reader be confounded with the summons to the convocation, which is composed of the same constituent parts, and by modern usage is made to assemble on the same day. But it may easily be distinguished by this difference: that the convocation is provincial, and summoned by the metropolitans of Canterbury and York: whereas the clause commonly denoted *præmunientes* (from its first word) in the writ to each bishop, proceeds from the crown, and enjoins the attendance of the clergy at the national council of parliament.”

A series of archbishop's summons of the clergy to Convocation,

and of King's writs, summoning the clergy to Parliament, all of the first Edward's reign, is given by Stubbs (*ut supra*). The clause *præmunitentes*—which first appears in the writ of 1295—is as follows: *Præmunitentes priorum et capitulum ecclæsie vestrae, archidiaconos, totumque clerus vestrae diocesis, facientes quod ibidem prior et archidiaconi in propriis personis suis, et dictum capitulum per unum, idemque clerus per duos procuratores idoneos, plenam et sufficientem potestatem ab ipsis capitulo et clero habentes, una vobiscum (sc. episcopis) intersint, modis omnibus tunc ibidem ad tractandum, ordinandum et faciendum nobiscum et cum cæteris prælatis et proceribus et aliis incolis regni nostri, qualiter sit hujusmodi periculis et exigitatis malitiis obviandum.*

The clergy thus unmistakeably summoned to take a full share in the work of Parliament—*ad tractandum, ordinandum, et faciendum*\*—preferred gradually to do their parliamentary work, which chiefly consisted in voting aids to the King from themselves, in their own Convocations, to which they were summoned by their metropolitans: and thus the custom grew up of their Convocations meeting at the same time with the Parliamentary sessions: and the King's writ, summoning them to Parliament was thus partly obeyed, partly disobeyed. They met in Convocation, not in Parliament: but Convocation met at the same time with Parliament, and did the most essential thing that Parliament had to do.

At length they were in a manner taken at their word. Their Convocations were made their Parliament, and they were to have no other. By the Statute 25 Henry VIII. (ch. 10), it was ordained that their Convocations should “always be summoned by authority of the King's writ;” and thus they could only meet along with Parliament, and could not expect to sit in the latter assembly as well as in their own. When they found their own powerlessness, and saw matters that touched them most vitally discussed and enacted in an assembly in which they had no share, they made a desperate attempt to recover their seats therein. In 1547 the Lower House of Convocation petitioned the Bishops more than once to mediate with Edward VI. and the lord protector that they might recover their seats, “that the said clergy, according to the tenor of the king's writ and the ancient laws and customs of this noble realm, might have their room and place, and be associated with the commons in the nether house of this present Parliament, as members of the commonwealth, and the king's most humble subjects.” (Wilkins, ‘Conc.’ iv. p.

\* We may perhaps trace the waning influence of the Clergy, or their increasing disuse of Parliament in the various alterations in the clause *Præmunitentes*. In the earliest extant writ that has it, they are summoned *ad tractandum, ordinandum, et faciendum*, &c.: in that of the next year, *ad ordinandum de quantitatibus et modo*

*subsidiis*: in that of the twenty-eighth, *ad faciendum et consentiendum his quæ tunc de communi consilio ordinari contigerit*: in later times it runs sometimes *ad faciendum et consentiendum*, sometimes only *ad consentiendum*: which from the fifth of Richard II., has been the invariable form. See Hallam, ‘M. A.’ ii. 263.

16.) Their petition never even got a reply. (Cf. Froude, vol. v. p. 61.)

Another instance of contempt on the part of Parliament for the unfortunate clerical assembly, which happened at a later period, in the reign of James I., may be mentioned in passing. The king desired the House of Commons to confer with the Convocation of the Clergy upon the subject of excommunication and ecclesiastical censures. The Commons deemed this to be unprecedented and derogatory to their privileges: but were willing to have conferred with the bishops, as lords of Parliament (Hallam, 'Const. Hist.' ii. 303, note). That is to say, the Commons felt it derogatory to confer with the assembly of an estate of the realm.

To the time of Charles II. the Convocation embraced in itself three characters:—First, it was an Ecclesiastical Court, and is held to be such by Ecclesiastical lawyers: Second, it was an Ecclesiastical Synod; it made canons and drew up formularies under the authority of the legislature: Third, it was the assembly of an estate of the realm; it exercised the power of self-taxation.

This last character was limited from the time of Henry VIII. by the practice of confirming every grant which the Clergy made by an Act of Parliament (Hallam, 'Const. Hist.' ii. 485): and was wholly taken away in the time of Charles II. by a verbal agreement between Archbishop Sheldon and Lord Chancellor Clarendon, by which the clergy tacitly abandoned the right of taxing themselves in their own assemblies, and were tacitly allowed to assume the right of voting in the election of the knights of the shire—the county members—in which their benefices were situated. The change was no doubt a relief to the lower clergy, who in 1661 sent a petition to the Commons, of which one article was,—“That you would be pleased to consider and determine of some more equal manner of raising subsidies upon the clergy, the present measure thereof to them bearing no proportion to the rest of his Majesty's subjects (Wilkin's 'Cone.' iv. p. 580). In consequence of this—and according to an agreement between Sheldon and Clarendon at the same time—the clergy were included in the next year's Money Bill of the Parliament, which however contained a saving clause that the clergy still had the right of taxing themselves in Convocation, if they pleased (Hallam, *ib.*, note). In truth this change with regard to the clergy was only part of the entire revolution in the manner of raising money, which took place at this time, by which the old method of subsidies was abandoned in the case of laity and clergy alike, and an assessment in each county substituted. The question is, whether the clergy gained enough in exchange for giving up so important a right as that of self-taxation. They acquired—or rather those of them who had benefices acquired—an implicit right of voting for county members. On the other hand their Convocations, deprived of the power of self-taxation—of voting subsidies to the Crown—lost importance, became irregular, and in half a century ceased to be summoned at all. They lost their standing as the assemblies of

an estate of the realm. It cannot then be said that the clergy gained an equivalent. The only equivalent that they could have gained would have been the restoration of their seats in the House of Commons, the power of electing some of their body to represent them in that great assembly. (See Carwithen's 'Hist. of the Church,' vol. ii. p. 349, where the whole subject is very fairly discussed.)

From that time their sessions began to be irregular, and in 1717 ceased for nearly a century and a half, as is related in the text.

11 (p. 289). *The Concordat between Englund and Pope Martin V.* —Of the character of Martin V., whom Dean Hook terms the first Pope of the modern Ultramontane type, and his Concordat with England, the following account is given in Duck's 'Vita Chichele' (in 'Vit. Select. Vir.' p. 24.)

Martinus tranquillam sedis suae possessionem jam adeptus, prioribus Pontificibus longe insolentior, ipso Pontificatus initio, ecclesias omnes suo imperio vindicat, episcopatum universorum donationes, provisionis titulo, sibi reservat, electiones episcoporum a Capitulis factas rescindit, et infra duos annos tredecim episcopos in Cantuariensi provincia præficit, tempore opportuno, rege jam apud Gallos occupato: illud ausus quod Edwardus III. et Richardus II. legibus severissimis interdixerant: porro Prosperum Columnam nepotem suum XIV. annorum adolescentem per provisionem Archidiaconum Cantuariensem constituit, cui etiam post aliquot annos in gratiam Pontificis a rege indultum est, ut totidem beneficiorum in Anglia proventibus frui posset, qui quinquaginta marcas annuatim non excederent. Ad haec accedebant querulæ de promiseis Ecclesiarum unionibus (quaæ appropriationes vulgo appellantur) et consolidationibus a Pontifice factis, de effusâ gratiarum concessione, per quas tum Sacerdotes a beneficiis impune aberant, tum Laici Sacerdotia consequebantur, et denum quod Anglorum in conferendis aulae Romanae dignitatibus nulla ratio haberetur. Ista legati Regis, Joannes Leekfieldensis Episcopus et Thomas Polton Decanus Eboracensis, in Concilio Constantiensi ad Pontificem novum deferre jussi, ab eo impetrarunt, ut statim Anglis aliqua privilegia concedent, quaæ in rescripto Concordata inter Martinum V. et Ecclesiam Anglicanam appellantur.

Ea erant, ut uniones Ecclesiarum non fierent motu proprio, sed ex scopis locorum de causis cognoscerent: ut uniones ecclesiarum et consolidationes viciarum factæ tempore schismatis (*sc.* Romanae sedis) abrogentur; ut rescindantur gratiae a Pontifice factæ, per quas Sacerdotes in beneficiis non resideant, aut Laici Monachive beneficia possideant: Denique ut minuatur in posterum Cardinalium numerus, iisque ex omnibus Christianis nationibus æque elegantur, et ut Angli ad reliqua omnia Curiæ Romanae munera admittantur.

Thus in the fifteenth century England was among the nations whose relations with the Papedom were settled by a Concordat. A Concordat, as is well known, is a convention between the Pope and

a national government for the settling of ecclesiastical relations ; and most of the Concordats have been extorted from the Popes by the different nations or governments. Those which Martin V. concluded with Germany and other nations all tended to lessen Papal pretensions : and that with England, which we have just cited, is altogether in favour of the rights of the National Church.

12 (p. 290). *Petition against the Lollards.*—The following extracts from the Petition which Prince Henry, afterwards Henry V., joined with the Lords in making to the King, Henry IV., will show the alarm, well or ill founded, which the communistic principles attributed to the Lollards excited : anno 1412.

Your humble son, Henry, Prince of Wales, and the Lords Spiritual and temporal in this present Parliament, humbly show, That the Church of England hath been, and now is, endowed with temporal possessions by the gifts and graces as well of your Royal Progenitors, as by the ancestors of the said Lords Temporal, to maintain Divine Service, keep Hospitality, &c., to the Honour of God, and the soul's health of your Progenitors and the said Lords Temporal.

Yet now of late some, at the instigation of the Enemy, against the aforesaid Church and Prelates, have, as well in public Sermons as in Conventicles, and secret places called Schools, stirred and moved the people of your Kingdom to take away the said temporal possessions from the said Prelates, with which they are as rightly endowed as it hath been, or might be, best advised or imagined by the Laws and Customs of your Kingdom, and of which they are as surely possessed, as the Lords Temporal are of their inheritances.

Wherefore in case that this evil purpose be not resisted by your Royal Majesty, it is very likely that in process of time they will also excite the people of your Kingdom for to take away from the said Lords Temporal their possessions and heritages, so as to make them common to the open commotion of your people. (Fuller's 'Church History,' bk. iv. p. 162.)

13 (p. 293). *The Separation from Rome.*—The Acts containing the separation of England from Rome are 25 Henry VIII. ch. 19, 20, 21. The first contains the restraint of appeals to Rome : no causes or matters in contention, which had their beginning in any court of the realm were to be carried out of the realm on pain of a *præmunire*. Appeals from places exempt, such as monasteries, abbeys, priories, which used to lie "to the bishop of Rome, otherwise called the Pope, or to the see of Rome," were now to be made "immediately to the King's Majesty of this realm, into the court of Chancery" (to which by this act an appeal was also given from the archbishop's court) "in like form and manner as they used afore to do in the see of Rome." The same Act also provides that Canons and constitutions not contrariant to the laws of the realm should still be used. The next Act is "for the non-payment of first-fruits to the bishop of Rome." Annates, or first fruits, were payments of

one year's income on ecclesiastical preferments given by the Pope: they were not paid in England till after the reign of Edward I.: and were a plain breach of the Statute of Provisors. Now they were stopped: and at the same time it was enacted that if any person presented by the King to the see of Rome to a bishopric in England were there delayed, he might be consecrated by an archbishop in England: and any one presented to the see of Rome for an archbishopric, and there delayed, might be consecrated by two bishops in England.

The next Act is entitled "concerning Peter-pence and dispensations." The old payment called Peter-pence, from the days of the Mercian king Offa; was for maintaining an English College in Rome. It is needless to enter into the extinct controversy about the nature of this payment, which Baronius and other Roman writers affirmed to have been a quit-rent for the Kingdom, and an acknowledgement of dependence on Rome. Spelman and Collier have confuted this. The payment of Peter-pence had been stopped by Edward III., in 1366, but only for a time (Collier, iii. 127). Now they and all other impositions were stopped, such as "pensions, censes, procurations, fruits, suits for provisions, and expeditions of bulls for archbishoprics and bishoprics, and for delegacies, and rescripts in causes of contentions and appeals, jurisdictions legantine, and also for dispensations, licences, faculties, grants, relaxations, writs called *perinde valere*, rehabilitations, abolitions, and other infinite sorts of bulls, breves, and instruments, of sundry natures, names, and kinds, in great numbers heretofore practised and obtained otherwise than by the laws, laudable uses, and customs of this realm should be permitted." All such instruments as were needed were to be granted by the archbishop of Canterbury, under various restrictions. It was declared that the realm was free from any laws of man, but such as had been devised within the same: and that it lay with the King and Parliament—the "lords spiritual and temporal, and commons, representing the whole state of the realm, in the most high court of parliament"—to alter or annul the human laws of the realm. But, at the same time, it was provided always, that the King and realm did not mean "to decline or vary from the congregation of Christ's church in any things concerning the very articles of the Catholic faith of Christendom,—but only to make an ordinance by policies necessary to repress vice, and for the good conservation of this realm in peace, unity, and tranquillity, from ravin and spoil, insuring much the old ancient customs of this realm in that behalf: not minding to seek for any relief, succours, or remedies, for any worldly things and human laws, in any cause of necessity, but within this realm at the hands of your Highness, your heirs and successors, Kings of this realm, which have and ought to have, an imperial power and authority in the same, and not obliged in any worldly causes to any other superior."

14 (p. 294). *The Supreme Headship.*—The laws of Edward the

Confessor asserted the royal supremacy thus. “Rex autem, qui vicarius Summi Regis est, ad hoc constitutus est, ut regnum et populum Domini, et super omnia Sanctam Ecclesiam, regat et defendat ab injuriosis: maleficos autem destruat et devellat.” (Spelm. p. 622.)

Henry VIII. asserted the Royal Supremacy, a year before he took the title of Supreme Head, in a proclamation in which he declared his resolution to put in execution the laws of his predecessors for the protection of religion, and called upon all who held office, ecclesiastical or civil, to assist him and the Ordinaries. (Hook's ‘Lives of the Archb.’, vol. i. p. 339, new series.)

There was no new principle, then, brought in under the title of the Supreme Head. On the scruples of the clergy, so often misrepresented, Mr. Gladstone observes, “There is no reason to believe that the act was one at variance with the conscientious persuasions of the then governors of the Church: and Lord Clarendon states in reference to this crisis, with strict historic truth, that Henry ‘applied his own laws to the government of his own people, and this by consent of his Catholic clergy and Catholic people.’ Further, it does not appear that the reluctance which was manifested by the clergy to the title of headship, had any reference to their regard for the papal claims; but on the contrary, it was founded upon an apprehension they reasonably entertained that it might seem to detract from the prerogatives of the Redeemer. Of the qualification itself, *quantum per Christi legem licet*, it has been alleged that it nullified the grant: but on the other hand it might be urged with at least equal fairness that the admission of the headship is unquestionable, from the very fact that it was thus limited and defined,” (“Gladstone,” ii. 109).

15 (p. 300). *The Right of the Church of England in the Universities and Public Schools.*—“In the prevailing ignorance of history in the nineteenth century, particularly of what relates to ecclesiastical history, the sarcastic ignoramus is permitted, unrebuked, to speak of our colleges and public schools as monastic institutions. But from the days of Walter de Merton colleges and schools were founded in direct opposition to monasteries: or certainly for the purpose of depriving the regulars of the monopoly in education which they had hitherto possessed. It is remarkable that the few schools and colleges which form an exception to this rule, were themselves, at the dissolution of the monasteries suppressed. It was with the forfeited estates of alien priories and of other monasteries, granted by, or purchased from, the crown, that William of Wykeham endowed his two St. Mary Winton colleges, the one at Winchester the other at Oxford. He is the father of the public school system.—His example was followed by Archbishop Chicheley and William of Waynflete. All Souls' College and Magdalen are enriched by the spoils of monasteries; the royal founder of King's College, Cambridge, and of Eton—only carried out an intention of his illustrious father.

Henry V. had expressed his intention thus to dedicate to the purposes of education the wealth that flowed into the royal treasury from the dissolution of the alien priories.

“These illustrious personages maintained that the property had been devised for educational purposes and pious uses: and they contended, in the fourteenth century, as ever since, that the end which the founders had in view, would be better accomplished by schools and colleges than by monasteries.” (Hook’s ‘Lives of the Archbishops,’ vol. i. new series, p. 64.)

16 (p. 301). *Henry VIII’s Pacification*.—Henry called his compromise a Pacification. “Our late sovereign lord was wont to say, which I never forget, speaking of himself,—man had not looked to the Pacification. He saw men desirous to set forth their own fancies, which he thought to have excluded by his Pacification.” (Gardiner’s Letter to Cranmer; Strype’s ‘Cranmer,’ App. No. xxxv. p. 75 (folio).)

17 (p. 308). *The First Prayer Book and Convocation*.—The question may be raised whether the First Prayer Book—that of Edward VI.—were ever submitted to Convocation. Mr. Lathbury says that the testimony in the affirmative “is so decisive that all doubts are removed” (‘Hist. of Conv.’, p. 142), without however producing more testimony than that of Strype. Strype himself (E. M. 11, 1, 137) quotes no nearer authority than that of Archbishop Abbot, who lived under James I., in support of the assertion. Wake, who knew his subject well, mentions this among the things done in religion without Convocation (‘Authority,’ App. No. vii.). The records of Convocation are all but a blank throughout the reign of Edward. Everything was done by Injunctions and Commissions.

If so, the clergy, as a body, had as little to do with the making of the First Prayer Book as they had with the making of the First Act for Uniformity, by which that book was enforced.

18 (p. 308).—*Acts for Uniformity*.—The Act for Uniformity by which the First Prayer Book was enforced, contained pains and penalties only against the incompliant Clergy and against those who interrupted the Service in the churches. Nothing as yet was enacted against lay recusants. It was reproduced with important additions in the first year of Elizabeth: and so may be read at the beginning of every Prayer Book. All that relates to the clergy in Elizabeth’s Act for Uniformity is to be found in this Act.

The Act by which the Second Prayer Book was enforced, in 1552, when the Protestant faction was at the height of power, contains the first legislation against lay recusants and dissenters. It was ordained that any person who should wittingly be present at any other form of prayer than was set forth in the book annexed to the Act, should suffer for the first offence imprisonment for six months

without bail ; for the second offence, imprisonment for a year : for the third offence, imprisonment for life.

The Act by which the Third Prayer Book—that of Elizabeth—was enforced, in 1559, is made up of these two former acts, but shows greater severity by doubling the fines. To persons absenting themselves from Church it prescribes not only the censures of the Church (which the Second Act did), but the forfeit of twelve pence for each offence.

The Act of 1662, passed after what has proved the final revision of the Prayer Book, was for ministerial conformity alone, and was directed against the Presbyterian clergy. It enacted re-ordination in the case of ministers not ordained episcopally, a declaration of assent and consent to the Book of Common Prayer, an oath of canonical obedience, an abjuration of the Solemn League and Covenant, and of all obligations founded thereon, and a declaration that it was not lawful to take up arms against the king under any pretence.

The condition of re-ordination was one to which many of the best of the clergy found it impossible to submit. The excellent Philip Henry was among them. From the time of the Reformation many foreigners had been admitted into offices in the English Church, and no re-ordination had been demanded from them, even when it was known that they were only in Presbyterian orders. The existing irregularity would have died out. The abjuring of the Solemn League and Covenant involved in some cases a retraction of personal acts: or, in others, of the acts of fathers. By the condition of passive obedience the Commons seemed anxious to force the Non-conformist ministers to resign a portion of their civil rights. See the Act at the beginning of the Prayer Book.

All this was miserable enough : yet it must not escape us that the Acts for Uniformity began and ended in quarrels among ministers, and were only as a secondary consideration extended so as to affect the people. This is especially to be noticed in regard of the last, which caused the great separation.

19 (p. 311). *Contempt of the Clergy*.—There is quite a small literature on this subject. Among the tracts and treatises which are known to the present writer may be mentioned ‘An Apology for the Rights of the long despised Clergy,’ Oxf. 1661 ; Wetenhall’s ‘Miseries of the Clergy,’ 1668 ; and the ‘Contempt of the Clergy answered,’ 1671. This last was by L'Estrange in reply to an anonymous ‘Letter concerning the Grounds and Occasions of the Contempt that is felt for the Clergy :’ and was the beginning of a hot little controversy. The author of the last-mentioned tract published ‘Observations on L'Estrange’s Answer,’ who in turn published a further ‘Answer’ in 1672, and also a ‘Vindication of the Clergy from Contempt’ in the same year.

There is an able tract of the year 1711, entitled ‘The Clergyman’s Advocate ; or, an Historical Account of the ill Treatment of the

Church and Clergy, from the Beginning of the Reformation to this Time, shewing the necessity of making better provision for the Parochial Clergy : and that the Poverty of the Clergy is the occasion of their Contempt, &c. By a Lay-Hand.

The graphic description in the third chapter of Macaulay's 'History' is well known to most readers. As a companion piece may be read the description of the good things enjoyed by many of the Dissenting Ministers, in his eleventh chapter.

20 (p. 313). *Haughtiness of the Bishops.*—“If ye saw them,” said Turner dean of Wells, speaking of the bishops in the first Convocation of Mary, “how slavely and bondly they handle the rest of the clergy in their Convocation House, ye would say, they were the Pope's right shapen sons. For whereas there sitteth but seven or eight linen-wearing bishops at the table in the Convocation House, if there be three score pastors and elders, they are wool-bearers (meek sheep). As long as they tarry in the Bishop's Convocation House, so long must they stand before their lords, though it be two or three hours : yea, and be the weather never so cold, or the men never so sickly, bareheaded.”

This was indeed the spirit which prevailed not only then, but long before and long after. (Strype's ‘Eccl. Mem. of Mary,’ c. iv. p. 76, v. 1.)

In the primitive English Church there was no such difference set between bishops and priests as in the long ages of corruption which followed. Episcopacy was not of an absolute but moderate nature. See for instance the Canons of Aelfric—“Haud pluris interest inter missalem presbyterum et episcopum, quam quod episcopus constitutus sit ad ordinationes conferendas, et ad visitandum, seu ad inspiciendum, curandumque ea quae ad Deum pertinent (Dei jura), quod nimiae crederetur multitudini si omnis Presbyter hoc idem facheret. Ambo siquidem unum tenent eundemq. ordinem, quamvis dignior sit illa pars episcopi.” (Spelm. ‘Cone.’ i. p. 576.)

21 (p. 320). *Spiritual and Ecclesiastical Jurisdiction.*—In the case of the Bishop of Natal, the attempt has been made to create, or revive, a distinction between Spiritual and Ecclesiastical Jurisdiction; the former being inherent in the Episcopate, emanating from the divine Head of the Church, and independent of the laws of States : the latter flowing from the State.

“It was the common opinion shared in even by the Crown Lawyers, that the power to confer Spiritual Jurisdiction lay in the Crown : that it was part of the ‘Royal Supremacy.’ Accordingly, the Crown issued ‘Letters Patent’ for the consecration of a Colonial Bishop, which Letters Patent were supposed to grant Jurisdiction over a portion of the Colony which was formed into a Diocese. To the unflinching courage of the Bishop of Capetown, and the obstinate adherence of the excommunicated Bishop of Natal to the Letters Patent, we owe the exposure of this fallacy. The Crown Lawyers

themselves have shewn that no Spiritual Jurisdiction resides in the Crown, and therefore none can be conferred by the Crown. A distinction fully understood by Canonists, but apparently unknown to Lawyers, was discovered in the course of the trials between the Metropolitan of Capetown and his Suffragan of Natal, between Spiritual Jurisdiction and Ecclesiastical Jurisdiction, the common supposition being that they were one and the same thing."—Blenkinsopp's *Essay on Church Politics* in the 'Church and the World,' 1868. See also the *Essay* entitled 'The Natal Scandal,' in the same volume.

The theoretical distinction is plain enough. When the Church was a voluntary society, before it became the established Church of the Roman empire, the Bishop exercised Jurisdiction over the members of the Church. He censured, imposed penances, and excommunicated. This spiritual jurisdiction he exercised before there was any connection between the Church and the State. As far as England is concerned, however, it is impossible to maintain this distinction. The short periods during which Christianity was on trial in the several Heptarchic Kingdoms, before it was adopted as the religion of each of them, are not to be compared with the three hundred years which elapsed before Christianity was adopted as the religion of the Roman empire. And as far as the records of those short periods can be known they are fatal to the assumption that the distinction between spiritual and ecclesiastical jurisdiction ever had place in England. For, so far as we know, there never was a bishop at all who was not consecrated to some particular see, and whose consecration was not subsequent to his having been chosen to that see by the King and Witan. Thus from the beginning the spiritual jurisdiction of an English bishop became merged in his ecclesiastical jurisdiction, and identical with the same. Throughout our history there are instances in which the spiritual jurisdiction—or we had better say at once the spiritual functions—of the bishop, such as excommunication, have been directed and controlled by the enactments of the State.

Throughout the great declaratory statutes 26 Henry VIII. ch. 1, and 1 Eliz. ch. 1, "Spiritual and Ecclesiastical Jurisdiction" is a phrase constantly repeated not to describe two kinds of jurisdiction, but one kind.

But both Henry and Elizabeth were careful in these statutes to declare that they only claimed the authority which they believed to belong to them as sovereigns of England. And in her Injunctions the Queen expressly said that she challenged no "authority and power of ministry of divine offices in the Church," nor any other authority than was challenged and used by Henry VIII. and Edward VI.

If the distinction between spiritual and ecclesiastical jurisdiction has any foundation in England (which we do not think), it must be sought for, not in Acts of Parliament, but in the Twentieth Article, On the Authority of the Church, the first clause of which—"The Church hath power to decree rites and ceremonies and authority in

controversies of faith"—Laud was accused of forging. Yet that article was written by men who had the dread of a *Præmunire* hanging over them, as witness their signature of the Thirty-nine Articles: "Ista subscriptio facta est ab omnibus sub hac protestatione, quod nihil statuant in præjudicium ejusque senatus consulti, sed tantum supplicem libellum, petitiones suas continentem, humiliaverunt." Wilkins, 'Conc.' iv. 238.

22 (p. 321).—*The Visitation of the Kingdom in 1559. High Commission.*—A Visitation of the Kingdom by Royal Commissioners took place in the autumn of 1559: the commissions for it were signed on or about St. John Baptist's Day, the day on which the revised Prayer Book of Elizabeth came into use (Burnet).

This Visitation deserves to be studied, as affording evidence of the larger policy which prevailed in the beginning of Elizabeth, and offering a contrast to the Visitations of Edward.

It was made in the same way as the Visitations of Edward. The visitors carried with them Injunctions and Articles to be inquired. The Injunctions of Elizabeth are a reprint of those of Edward, but with many additions and alterations, which were the work of Cecil (Strype 'Ann.' i. p. 236). The two documents have been compared by Blunt ('Reformation,' p. 90), and Cardwell ('Doc. Ann.' i. p. 210). The general result is that the Roman Catholic religion is treated with more civility and less fanaticism by Elizabeth than by Edward. As to the Articles to be inquired, they boldly investigated the persecution under Mary, the blood shed, the books destroyed, the property alienated, and the unjust processes used. But they used the utmost caution in touching upon the doctrinal differences between the two religions.

23 (p. 325). *Clerical Subscriptions and Declarations in the reigns of Elizabeth and James I.*—The Bishops began to take matters in hand as early as 1559, when, immediately after the Visitation of the kingdom, and the publication of Elizabeth's Injunctions, Parker and some others of them drew up a paper of "Interpretations and further Considerations" of the same Injunctions. These Interpretations were excellent so far as discipline and order were concerned: they endeavoured to provide for the terrible destitution of the Churches in ministers, by compelling those who were deprived through their own obstinacy, to serve in some cure; and also by admitting a large number of lay readers (Strype 'Ann.' i. p. 311: Cardwell, 'Doc. Ann.' i. p. 236, not. Comp. p. 302). But they also contain the very plan which was afterwards followed, in the great Convocation of 1562, in making a new English Confession and enforcing subscription to it. They advise "that there be some long Catechism devised and printed for the condition of simple curates," that another book of Homilies be made: that "one brief form of declaration be made, setting out the principal articles of our faith, to be spoken by the persons, curates, or both, at their first entry: and after that twice in the

year." And they end with a series of Articles to be prescribed to the clergy, which are a sort of first draft of the Thirty-nine Articles.

The "brief form of declaration" of the principal articles of faith, promised in the above Interpretations, came forth the same year. It consisted of eleven Articles, five of them expressly directed against the Catholics, and naming ceremonies which they used, which ceremonies had been carefully omitted in Elizabeth's Injunctions, though they may be found in those of Edward. This document was to be read by every minister on his first entry, and twice a year afterwards. It was intended only to be in use until a regular Confession could be drawn up by Convocation: but it seems to have continued in use at least down to 1564, though the Thirty-nine Articles were drawn up in 1562. (Strype's 'Ann.' i. p. 325; Cardw. 'Doc. Ann.' i. p. 263.)

To the same intermediate period must be referred a short and moderate paper entitled, "Resolutions and Orders taken by common consent of the bishops for this present time, until a synod may be had, for the maintenance of uniformity in all dioceses in both provinces" (Strype's 'Ann.' i. p. 329), in which it was ordered that all preachers should be diligently examined "in unity of doctrine established by public authority." And the "Articles agreed upon at the second session in Lambeth" by the two Archbishops, and some of the bishops, in 1561 (Strype's 'Parker,' vol. i. p. 194; Cardwell, 'Doc. Ann.' vol. i. p. 298): in which it was resolved that the declaration for unity of doctrine, already mentioned, should be enforced throughout the realm. But there is very little to be said against these Resolutions and Articles. Most of their requirements in discipline are reasonable and needful: as, for example, the requirement that every beneficed clergyman, at his institution, was to be examined by oath on these points—Whether he had any secret compact for alienating the glebe lands, for forgiving the patron's tithes, for pensions newly exacted, or for money or other contributions.

These preliminary measures were succeeded by the great Convocation of 1562, in which the final Confession of the Church of England, the Thirty-nine Articles, was drawn up. That Confession was signed by all the members of Convocation, and no sooner had they themselves signed it than they began to labour to make subscription general among the clergy. Among the papers belonging to that memorable assembly, which have been preserved by the curiosity of Strype, is one, a book of Requests and Petitions, sent up to the Bishops by sixty-four members of the Lower House: they are almost all about subscription, and are conceived in the truest spirit of ecclesiastical rigour (Strype 'Ann.' ch. 27).

In 1571 the first Canons of the Church of England, since the Reformation settlement, were drawn up by the bishops alone, without consulting the Lower House of Convocation. These Canons ordered subscription to the Articles from every minister: and the same requirement was ordered by Act of Parliament the same year (13 Eliz. ch. 12. See also Wilkins, iv. 265; Strype's 'Parker,' vol. ii.

p. 57—62). It may be said with truth that the engine of subscription was applied lightly in the case of the Thirty-nine Articles, which are a perfectly wonderful instance of moderation and latitude: and the Statute which ordered Subscription made it still lighter—as the Puritans were not slow to find—by ordering every minister to “subscribe to all the articles of religion which *only* concern the confession of the true Christian faith and the doctrine of the sacraments. They conceived that it was intended to exclude from subscription those articles which were about the authority and discipline of the Church. And possibly they were right.

But when Whitgift came to the primacy, he soon closed this loophole by publishing his notorious ‘Three Articles,’ in 1584: a document which has been truly said to form an epoch in the history of the Church. They were that every minister should subscribe before the ordinary of the diocese, that the Queen had the supreme authority ecclesiastical: that the Book of Common Prayer and of Ordering of bishops, priests and deacons, might lawfully be used, and that he would himself use the form therein prescribed in public prayer and administering the Sacraments, and no other: and that he allowed and believed all the Articles.

These requirements were made by the Archbishop on his own authority without the warrant of the Crown. They caused endless litigation and misery (Strype’s ‘Whitgift,’ bk. iii. ch. 1, 2: Cardwell, ‘Dee. Ann.’ i. 466, note). They were brought up year after year for Parliamentary agitation, from 1584, when Turner brought in his ‘Bill and Book’ against the Prelates, to 1593, when Maurice, attorney of the Court of Wards, moved an inquiry, and made a vehement harangue on the usage of godly ministers by iniquitous subscriptions and oaths. In this speech Maurice complained that oaths were tendered to ministers by the bishops and other ecclesiastical commissioners: if they took the oath, they found that they had sworn to answer, without knowing what questions were to be put to them, and were compelled to accuse themselves of their own private actions, words, and thoughts: if they refused the oaths, they were sent to prison until they took an oath of canonical obedience to the bishop.

This referred to the oath technically known as the Oath *Ex Officio*, another piece of machinery worked by Whitgift, which he began to set in motion in 1584. It may be seen in Strype’s ‘Whitgift,’ book iii. App. v. (p. 49, folio), and a curious document it is. Among other things, a minister was required to answer on oath how often and by whom he had been asked to subscribe Whitgift’s Three Articles and had refused, and whether he still advisedly refused. (Comp. Hallam, ‘Const. Hist.’ vol. i. 201.)

The Oath *Ex Officio* was made a formal subject of complaint in the Millenary Petition at the beginning of the reign of James I. (See Appendix 24): but neither that nor the Three Articles finished their career at their author’s death. They received further improvements at the hands of Bampfylde; applied by whom they were destined

to become the instrument of the Second Separation from the Church of England, as they had been of the first. In the Canons of 1604—passed by Bancroft through Convocation directly after Whitgift's death—the Three Articles were ordered to be subscribed, and to be subscribed, “ad vitandam omnem ambiguitatem, hac verborum formula—Ego, N. N. tribus his præfixis Articulis, omnibusque in eisdem contentis, *lubens et ex animo* subserbo” (Canon 36). It was not enough to subscribe: one must now subscribe willingly and from the heart.

This was a considerable improvement upon Whitgift: but if we would see Bancroft's criminatory ingenuity at the height, we must look at the Directions, which he sent round to the bishops, about the way in which they were to proceed against Nonconforming or disobedient ministers. Disobedient ministers he divided into two classes; those who were already placed in the Church, and those who were not placed. As to the latter, none of them were to be admitted to any office or ministry without subscription, according to the Canons. The others, who were already placed, were of two kinds: those who promised conformity, but would not subscribe: and those who would do neither. Both sorts, he said, might by ordinary course of justice be deposed from their ministry, as revolters from their former subscription. But some little delay might be made in requiring the former sort to subscribe again, an act of writing being made of their promises of conformity, and their names sent to him. As for the latter, if they were curates or stipendiary preachers, they were to lose the bishop's license: if they were beneficed, they were to be deprived. All this by virtue of the new Canons, which were never authorised by Act of Parliament. (Wilkin's ‘Cone.’ iv. 409.)

Such were the arts by which some of the best of the sons of the Church of England were driven into revolt and schism.

24 (p. 333). *The Millenary Petition.*—The Millenary Petition may be read in Fuller's ‘Ch. Hist.’ (bk. x., p. 22). Some account of it is here given to serve as a specimen of the innumerable documents in which the Puritans embodied their objections against the Elizabethan settlement of religion.

The ministers who signed it (whose number was considerably under a thousand) requested: First, that in the Church Service the cross in baptism, interrogatories to infants, the rite of confirmation, baptism by women, bowing at the name of Jesus, might be taken away: that the Cap and Surplice might not be urged: that examination might go before Communion, and this be ministered with a sermon: that divers terms used in the Book, as Priest and Absolution, and also the ring in marriage, might be corrected: that the long-someness of services might be abridged: Church-song and music moderated; the Lord's day not profaned, nor rest on holidays too strictly urged; that a uniformity of doctrine might be prescribed; no Popish opinion any more taught or defended; the canonical Scriptures only read in Church.

As to ministers, they desired, That none but able and sufficient men be admitted: that such as could not preach might be removed and charitably maintained, or else made to maintain men who could preach; that non-residence might not be permitted: that king Edward's statute for the lawfulness of ministers marrying might be renewed: that ministers should not be urged to subscribe, except to the Articles of Religion and the King's Supremacy, according to law.

For Church-livings and Maintenance, they asked, That bishops should leave holding prebends, parsonages, and vicarages along with their bishoprics; that "double-beneficed men" should not hold two or three benefices with cure, and some of them two or three dignities besides: that impropriations annexed to bishoprics and colleges should be devised only to the preachers incumbents, for the old rent: that the impropriations of laymen's fees should be charged with a sixth or seventh part of the worth, to the maintenance of the preaching minister.

For discipline, they required, That excommunication, and discipline of the Church, might be administered according to Christ's institution, or at least that enormities might be redressed, such as sending forth excommunications under the name of lay persons, chancellors, and officials: that men should not be excommunicated for trifles and twelve-penny matters (an allusion to the fine for non-attendance at church, in the Act for Uniformity), nor without the consent of their pastor: that the officers should not extort unreasonable fees, nor be allowed to farm their offices, such as registrars: that divers Popish Canons, like the restraint of marriage at certain times, might be removed: that the longsomeness of suits in Ecclesiastical Courts, which sometimes hung one, two, three, four, five, six, or seven years, might be restrained: that the Oath *Ex Officio*, by which men were forced to accuse themselves, might be more sparingly used: that licences for marriage without bans asked might be more sparingly used.

25 (p. 335). *Ungracious Concessions to the Puritans*.—The few concessions that were made after the Conference at Hampton Court were called "A Declaration and Enlargement by way of Explication," and thus seem to have been studiously brought under the clause in the Act for Uniformity which enabled the King "by the advice of his commissioners or the metropolitan to ordain and publish such further ceremonies as may be meet."

This was a clause which seems to have been especially and justly objectionable to the Puritans, and probably to the Clergy in general. Beza, in his Letter to Bullinger, referred to in the text (p. 327), made the observation that in England the Sovereign and the Archbishop could make and alter ceremonies at their pleasure without consulting others.

26 (p. 337). *Number of the Nonconformist Ministers at the beginning*

of James I.—According to Dr. Burgess, a Nonconformist who afterwards conformed, the number of Nonconformist ministers in twenty-four counties was about seven hundred and fifty ('Neal,' ii. p. 37). This would give about double the number for the fifty-two counties of England and Wales. The whole clergy may be reckoned at about ten thousand (Heylin says there are nine thousand Parishes, add a thousand other clergymen to the parish priests). Of these fifteen hundred Nonconformists only a few became Separatists; forty-five according to Bancroft, three hundred, according to Neal. (See text.)

27 (p. 340). *Overall's Convocation Book*.—The history of this remarkable work is as follows. It was offered to the consideration of Convocation by Archbishop Bancroft, in 1606, with the title of 'A Book concerning the State of the Church.' He asked the clergy to take copies and consult upon it (Wilkins, iv. 412). It remained unpublished to near the end of the century, perhaps through the king's dislike of it; and was published for the first time by Archbishop Sancroft in 1690, from two manuscripts, the one the original of Overall, which had come into the possession of Cosin, and was bequeathed by him to his Durham Library: the other a manuscript which had belonged to Bancroft and then to Laud. Thus published it bore the title of "Bishop Overall's Convocation Book: concerning the Government of God's Catholic Church, and the Kingdoms of the whole World." No other edition was issued before the work was republished in the 'Library of Anglo-Catholic Theology,' in 1844.

The work is divided into three books; of which the first may possibly be regarded as more authoritative than the others, since it alone bears the attestation of the archbishop of Canterbury and of the dean of York that it passed the Convocation of both Provinces with one consent. It consists of thirty-six chapters and canons (formed from the Chapters), to each of which are affixed the words "placet eis." The second book consists of ten Chapters and Canons, but with no attestation. The third book is divided into chapters, but contains no canon formed from them: each chapter bears the attestation "placet eis, Jo. Overall." At the end is the following attestation: "Haec omnia superscripta ter lecta sunt in Domo Inferiori Convocationes, in frequenti Synodo Cleri; et unanimi consensu comprobata. Ita testor Joannes Overall, Prolocutor, Ap. 16, 1606."

In addition to the account given in the text, it may be well to add an outline of the teaching of this important but neglected formulary. The principles which it contains and the historical examples by which they are illustrated are all or nearly all from Holy Scriptures, of which a wonderful knowledge is shown. The following extract illustrates the main position,—that the kingdom is in one sense a civil community, in another sense a church: that the civil society is managed by magistrates, and the church by bishops

and pastors, the king being supreme over all. “If all the kings and sovereign princes of the world would have received the Gospel while the Apostles lived, they would have settled the platform of Church government under them in every such kingdom and sovereign principality: that, as the three essential parts of the priesthood under the law were translated to the ministry or priesthood in the New Testament, so the external show or practice of them might have been in effect the same under Christian princes that it was under the godly kings and princes of Judah: Christians of particular congregations to be directed by their immediate pastors; pastors to be ruled by their bishops; bishops to be advised by their archbishops; and the archbishops, with all the rest, both of the clergy and laity, to be ruled and governed by their godly kings and sovereign princes.”—(Bk. ii. ch. 7.)

The constitution of particular or national churches being thus defined, they are all said to belong to the Catholic Church by virtue of being under the supreme government of Christ himself: not through belonging to the Papacy or any Patriarchate. In the only part of the book which indicates the sources of Catholic doctrine, the Creed of Pius IV. is reprobated; while half or more of the entire work is devoted to a very able exposure of the usurpations and mendacities of Rome.

Passive obedience is unequivocally taught. “Rebellion against any king, absolute power, or civil magistrate, for any cause whatsoever,” is called “a sin very detestable in the sight of God” (Bk. i., canon 33). This however seems modified when we read that the government in being, even if it came of successful rebellion, after it was thoroughly settled, was of God (Can. 28). Not even the highest ecclesiastical ruler might depose the sovereign prince. But on the other hand it was not said that the prince might depose a bishop or archbishop: when that inference seemed to be required from the analogy of Jewish history, which is so closely followed in other things. (Chap. and Canon 34.)

28 (p. 340). *Laud's Practices*.—He set up a crucifix on the altar of Westminster at the coronation: he used considerable pomp in consecrating churches, adopting an office for that purpose, which was composed by Andrewes, and was said to be founded on the Roman office. It is still substantially in use. He ordered communion tables to be railed in, and communicants to approach the altar. He caused genuflexions and bowings to be used in entering and leaving the church. The startings and peepings which he used in celebrating the Holy Communion, of which Hume makes mention, were things belonging only to his own practice. The dream about the lord keeper's tooth dropping out, which Macaulay laughs at, was not more superstitious than Cromwell's omen from his tongue cleaving to the roof of his mouth.

29 (p. 342). *Charles I. consented to reduce Episcopacy and try*

*Presbyterianism.*—Among the king's "messages for peace," the one sent from the Isle of Wight, November 17, 1647, deserves attention for the just and constitutional manner in which several important questions, some of which are not yet settled, are discussed.

As to the abolition of archbishops and bishops, he could not consent thereto either as a Christian or as a King. "For the first, His Majesty avows that he is satisfied in his judgment that this Order was placed in the Church by the Apostles themselves, and ever since their time hath continued in all Christian Churches throughout the world until this last century of years: and in this Church in all times of Change and Reformation it hath been upheld by the wisdom of his Ancestors, as the great preserver of doctrine, discipline, and order in the service of God. As a King, at his Coronation, he hath not only taken a solemn oath to maintain this Order, but his Majesty and his Predecessors, in their confirmations of the Great Charter, have inseparably interwoven the Right of the Church into the Liberties of the rest of the Subjects.

"And yet he is willing it be provided that the particular bishops perform the several duties of their callings, both by their personal residence and frequent preachings in their Dioceses, as also that they exercise no act of Jurisdiction or Ordination without the consent of their Presbyters: and will consent that in all things their Powers be so limited that they be not grievous to tender consciences.

"Wherefore, since his Majesty is willing to give ease to the consciences of others, he sees no reason why he alone and those of his judgment should be oppressed to a violation of theirs.

"Nor can his Majesty consent to the alienation of Church Lands because it cannot be denied to be a sin of the greatest sacrilege: as also that it subverts the intentions of so many pious Donors, who have laid a heavy curse upon all such profane violations, which His Majesty is very unwilling to undergo. And besides the matter of Conscience, his Majesty believes it to be a prejudice to the public good, many of his subjects having the benefit of renewing Leases at much easier rates than if those possessions were in the hands of private men: not omitting the discouragement which it will be to all learning and industry when such eminent rewards shall be taken away, which now lie open to the children of meanest parents.

"Yet his Majesty, considering the great present distempers concerning Church-discipline, and that the Presbyterian Government is now in practice, his Majesty, to eschew confusion as much as may be, and for the satisfaction of his two Houses, is content that the said Government be legally permitted to stand, in the same condition it now is, for three years: provided that his Majesty and those of his Judgment (or any other who cannot in conscience submit thereunto) be not obliged to comply with the Presbyterian Government, but have free practice of their own profession, without having any prejudice thereby: and that a free Consultation and Debate be had with the Divines at Westminster (twenty of his Majesty's nomination being added unto them), whereby it may be determined by his

Majesty and the two Houses how the Church Government after the said time shall be settled (or sooner, if differences may be agreed) as is most agreeable to the Word of God, with full liberty to all those who shall differ upon conscientious grounds from that settlement. Always provided that nothing aforesaid be understood to tolerate those of the Romish profession, nor exempting of any Popish Recusant from the penalties of the law, or to tolerate the public profession of Atheism or Blasphemy, contrary to the doctrine of the Apostles', Nicene, and Athanasian Creeds, they having been received and had in reverence of all the Christian Churches, and more particularly by this of England, ever since the Reformation." ('Works,' p. 120.)

30 (p. 344). *Sale of Church Lands, &c., under the Commonwealth.*— "The Parliament did all they could to satisfy the malcontent Presbyterians, by securing them in their livings, and by ordering the Dean and Chapter lands to be sold, and their names to be extinct, except the deanery of Christchurch, and the foundations of Westminster, Winchester, and Eton schools. The bishops' lands, which had been sequestered since the year 1646, were now, by an ordinance of June 8, 1649, vested in the hands of new trustees, and appropriated to the augmentation of poor livings in the Church. The first-fruits and tenths of all ecclesiastical livings, formerly payable to the crown, were vested in the same hands, free from all encumbrances, on trust, that they should pay yearly all such salaries, stipends, allowances, and provisions, as have been settled and confirmed by parliament, for preaching ministers, schoolmasters, or professors in the universities; provided the assignment to any do not exceed one hundred pounds. It is further provided, that the maintenance of all incumbents shall not be less than one hundred pounds a year: and the commissioners of the great seal are empowered to inquire into the yearly value of all ecclesiastical livings to which any cure of souls is annexed; and to certify into the Court of Chancery the names of the present incumbents who supply the cure, with their respective salaries: how many chapels belong to parish churches, and how the several churches and chapels are supplied with preaching ministers: that so some course may be taken for providing for a better maintenance, where it is wanting. Dr. Walker says (p. 14) the value of bishops' lands forfeited and sold amounted to a million of money: but though they were sold very cheap, they that bought them had a very dear bargain in the end.

"Upon debate of an ordinance concerning public worship, and church government, the House declared that the Presbyterian government should be the established government. And upon the question whether tithes should be continued, it was resolved that they should not be taken away, till another maintenance equally large and honourable should be substituted in its room." (Neal, iv. p. 13.)

"The Parliament having ordered the sale of bishops' lands, and the lands of deans and chapters, and vested the money in the hands

of trustees, as has been related, appointed this year (1650), April 5, part of the money to be appropriated to the support and maintenance of such late bishops, deans, prebendaries, singing men, choristers, and other members, officers, and persons destitute of maintenance, whose respective offices, places, and livelihoods were taken away and abolished, distributing and proportioning the same according to their necessities. How well this was executed, I cannot determine; but it was a generous act of compassion, and more than the Church of England would do for the Nonconformists at the Restoration." (*Ibid.* p. 28.)

The return of the value of the Chapter lands which were sold, made to the committee for the sale of them, fixed it at the sum of 948,409*l.* 18*s.* 2*3d.*: of which, on the 31st of August, 1649, the total of the purchasers' acquittances amounted to 658,501*l.* 2*s.* 9*d.* (Dr. Grey, vol. iii. App. p. 18, quoted by the Editor of Neal, 1822.)

It will thus be seen that a re-distribution of the property of the Church—not a measure of confiscation—was designed by the Presbyterians of England: nay, that they attempted by anticipation the very work which is being done by the Ecclesiastical Commission in the present day. Cromwell's Survey was ordered, not from any hostile feeling to the Church, nor because he disliked tithes, for he passed several acts to enforce them: but with the design of raising every small living to the annual value of one hundred pounds, which would now be equal to six hundred pounds (Miller's 'Letter to Earl Grey on Church Property,' p. 35, 1831). Thus he designed a far more liberal measure of relief than has yet been attempted.

31 (p. 345). *Toleration.*—Before his departure for Ireland, in 1649, Lieutenant-General Cromwell sent letters to the Parliament, recommending the removal of all the penal laws relating to religion. (Whitelock, p. 405; Neal, iv. 8.)

The same year General Fairfax and his council of officers presented a petition to the same purpose: "not that they desired this liberty should extend to the setting up Popery, or the late hierarchy." (*Ibid.*)

All penal statutes were accordingly taken away by an Ordinance bearing date September 20. By the same Ordinance it was ordained further, "that all persons not having a reasonable excuse, shall on every Lord's Day and day of public thanksgiving or humiliation, resort to some place of public worship: or be present at some other place in the practice of some religious duty, either of prayer or preaching, reading or expounding the Scriptures." (Neal, iv. 25.)

In the instrument entitled 'The Government of the Commonwealth of England, Scotland, and Ireland,' under which Cromwell became Lord Protector, the articles relating to religion were these:—

Art. 35. That the Christian religion contained in the Scriptures be held forth and recommended to the public profession of these

nations, and that, as soon as may be, a provision less subject to contention and more certain than the present, be made for the maintenance of ministers: and that till such provision be made, the present maintenance continue.

Art. 36. That none be compelled to conform to the public religion by penalties or otherwise: but that endeavours be used to win them by sound doctrine, and the example of a good conversation.

Art. 37. That such as profess faith in God by Jesus Christ, though differing in judgment from the doctrine, worship, or discipline publicly held forth, shall not be restrained from, but shall be protected in the profession of their faith, and exercise of their religion, so as they abuse not this liberty to the civil injury of others, and to the actual disturbance of the public peace on their parts: provided this liberty be not extended to Popery or prelacy, or to such as under a profession of Christ hold forth and practise licentiousness.

Art. 38. That all laws, statutes, ordinances, and clauses, in any law, statute, or ordinance, to the contrary of the aforesaid liberty, shall be esteemed null and void. (Neal, iv. 68.)

The truly English character of these provisions needs no comment. It may be observed however that, when they were debated in the Provincial Assembly of London, they were found too wide for the divines. The profession of faith in God by Jesus Christ was interpreted to mean agreement in fundamentals: and in their sixteen heads of fundamentals the assembly excluded Deists, Socinians, Papists, Arians, Antinomians, and Quakers. (Neal, iv. 90.)

The avowal of the principle of religious toleration by the weaker party was not unknown in the previous century. (See Hallam, 'Const. Hist.' i. 122, note): and in the seventeenth century itself may be seen in such documents as the 'Message for Peace of Charles. I.' (quoted in Appendix 29): while it was laid forth in fulness in the same age by Bishop Taylor in his 'Liberty of Prophesying,' 1647, which was the first work, in this country, devoted to the object of teaching Christians "the art of differing harmlessly."

The "ravelling of his Instrument" of Government by the London Assembly and by Parliament, displeased Cromwell, and led to the dissolution of his first Parliament, which he dismissed with the well known speech,—"How proper is it to labour for liberty, that men should not be trampled upon for their conscience! have we not lately laboured under the weight of persecution: and is it fit then to sit heavy upon others?" &c. (Neal, iv. 92; 'Baxter's Life,' 72, &c.)

32 (p. 345). *The Triers.*—The Protector being unwilling to entrust the choice of candidates for the ministry all over England to the Presbyterians only, appointed a commission of thirty-eight persons, some of them laymen, to nominate to all benefices with cure of souls, and all public lectureships, in England and Wales. Some of these Triers were Presbyterians, some Independents, and two or three were Baptists. Any five were sufficient to approve: but

no number under nine had power to reject. They were appointed by an Ordinance of Council, bearing date March 20, 1654: in the preamble of which they were said to be appointed because of late “the rights and titles of patrons had been prejudiced, and many weak, scandalous, Popish, and ill-affected persons had intruded themselves, or been brought in.” (For a full account of them, see Neal, iv. p. 92; ‘Baxter’s Life,’ p. 72.)

33 (p. 347). *Ussher’s Model.*—Archbishop Ussher, in his ‘Reduction of Episcopacy,’ proposed that bishops should be appointed under the bishop of the diocese, holding the same relation to him which he held to his metropolitan, and hence to be called diocesan suffragans. These were to hold a monthly synod of the presbyters in their districts: and an annual synod of these diocesan suffragans, and of representatives of the presbyters, was to be held under the presidency of the bishop of the diocese.

This scheme provided effectually for the want of synodical action which has been the bane of the Church of England up to the present day: and to which most of her great calamities may be traced.

Diocesan suffragans were allowed by 26 Henr. VIII. c. 14: an Act still in force. (Comp. Twiss’s ‘Letters Apost.’, p. 93.)

Diocesan synods were anciently held: and in the Council of Winchester, of the year 1071, it was ordained “that every bishop hold a synod every year” (Johnson, vol. ii. p. 9): but they were forbidden by 25 Henr. VIII. to be held without the royal authority, and remained unknown until their partial revival in the present day. (See Lathbury’s ‘Hist. of Convocation,’ p. 62.)

34 (p. 353). *The Final Revision of the Prayer Book.*—The result mentioned in the text has been obtained by carefully comparing the Episcopal concessions and the Presbyterian objections at the Savoy with the Prayer Book before the final revision: that is, with the Prayer Book of Elizabeth. One specimen of alteration unfavourable to the Presbyterians shall suffice. The most senseless objection of the Puritans was against kneeling to receive the Sacrament. The last thing alleged by the ministers at the Savoy Chapel was the sinfulness of refusing communion to those who would not kneel. They had this to say for their objection, that kneeling was not ordered by Act of Parliament, but by an Order in Council, which was inserted in the Second Book of Edward VI. This Order had been removed by Elizabeth. It had been removed out of respect to the consciences of the Puritans (though it could not have been out of respect to their reason) in a very despotic age. It was now re-inserted at the Communion Service, the words “corporal presence” being substituted for the original “real and essential.”

35 (p. 356). *Chief Acts of Toleration.*—“Such a genuine toleration as Christianity and philosophy alike demand,” says Hallam, “had no place in our statute-book before the reign of George III.”

(‘Cons. Hist.’ 2, p. 336). The Act of Toleration, 1 Wm. III. c. 18, granted exemption from the penalties of such statutes as Elizabeth’s Act for retaining her subjects in their due obedience, or Charles II.’s Act for Uniformity, to all such persons as should take the oath of allegiance, and subscribe the declaration against popery. It also exempted such ministers of religion as should subscribe the Thirty-nine Articles, except the thirty-fourth, On the Traditions of the Church, the thirty-fifth, on the Homilies, the thirty-sixth, on the Ordination of bishops and ministers, and the famous clause in the twentieth about the authority of the church (a clause which it might be thought that Dissenters in the present day would be as willing to sign as their forefathers were unwilling). But these subscriptions were not in fact enforced. Nor was it required from Quakers by the terms of the Act. Meeting-houses were ordered to be registered, and were protected from insult by the same penalties that lay against the disturbers of worship in parish or cathedral churches.

These conditions were ameliorated by the important statute 52 Geo. III. c. 155 : of which the general principle was, the requirement of registration of places of worship instead of the oaths and declarations required by the former Statute. If a place of worship were registered once a year in the Bishop’s or Archdeacon’s Court, and at general or quarter Sessions, the congregation resorting to it were exempted from all penalties. Preachers or teachers could be required by a magistrate to take oath that they were Christians and Protestants. Any person disturbing a Congregation meeting under the provisions of the Act, was liable to a penalty of forty pounds.

By 53 Geo. III. c. 160, the benefits of toleration were extended to Unitarians : and they were exempted from the penalties which lay against Blasphemy, by 9 & 10 Wm. III.

By 3 & 4 Wm. IV. c. 30, Dissenting Chapels and places of worship (along with District Churches, &c.) were exempted from church and poor rates.

By the glorious statute 9 & 10 Vict. c. 59, in the year 1846, all the penal Statutes or parts of Statutes that contained penalties or imposed disabilities for religious belief, in all cases alike, Jews, Protestant Dissenters, or Roman Catholics, from Henry III. to George III., were abolished and swept away.

By 15 & 16 Vict. c. 36, the provisions of the toleration Act of Geo. III., about the registering of places of worship in the Bishop’s Court or Quarter Sessions were done away : they were ordered to be registered, through the Superintendent Registrar, by the Registrar General. An amended Act to the same effect was passed in 1855 (18 & 19 Vict. c. 81).

36 (p. 360). *The Methodists and the Established Church.*—The honour of having been the first to propose a re-union between the Methodists and the Church of England belongs, we believe, to a clergyman, the Rev. Richard Hodgson, lecturer of St. Peter’s, Cornhill, who in 1841 published a pamphlet entitled ‘Wesleyan Me-

thodism considered in relation to the Church: to which is appended 'a Plea for their Union and more effective Co-operation.'

Some years later the project was much discussed in pamphlets and newspapers: and in 1856 a Committee of Churchmen met in the Rectory of St. James's, Westminster, to consider "what measures it may be expedient to take for promoting union with the Church of England on the part of Christians not at present in active communion with her." This was a wide design; but the Committee began with the Methodists, as the body least widely separated from the Church: and they never got beyond them. After a great deal of very interesting discussion concerning the manner in which the proposed reconciliation was to be effected, whether by formal proposals to the Wesleyan Conference, or by invitations to individuals: at last a petition was framed and formally presented to the Upper House of Convocation by the Bishop of Lichfield, praying the House to take into consideration "the possibility of reconciling the Methodists to the Church, in the belief that, if no other result be produced, the doing this will at least evidence the existence of a kindly spirit in the Church towards the Wesleyan Community."

This petition was not well received by the Bishops. At one part of it, which touched on their manner of accepting candidates for ordination, they testified displeasure. Of the Wesleyans they said nothing either charitable or uncharitable, with the exception of the late Bishop of Exeter, who said that they were "in a state of schism and therefore of sin," and "*ipso facto* excommunicate." With a reformed Convocation, or indeed with the present Convocation, such a petition would fare better. A full account of the proceedings of this Committee may be seen in the 'London Quarterly Review,' July, 1856.

This effort of re-union had the good effect of cementing the friendly relations which the Methodists, to their infinite credit, have maintained with the Church, in spite of the recollection of the miserable manner in which they were treated in their early days. The subject has been fully discussed among them, many proposals have been put forth, and the ability and temper displayed in their leading periodicals is beyond all praise. The result is at present that they have resolved to maintain their separate organisation, but with a full remembrance of the maxim of their great founder, "they that are enemies to the Church are enemies to me." This resolution they have adopted, among other reasons, on the express ground that, if they come into the Church, a considerable number among them would refuse to join in the movement, and would be added to the enemies of the Church. But the difficulties in the way of re-union are not insuperable: and the time may come for that, or for a more intimate alliance than there now is.

The Methodists have as good reason to remember the usage which they met in the old days, as the Dissenters have. The way in which the Conventicle Act was worked against them *for not being Dissenters*, at a time when the Dissenters were safe under the Toleration

Act, is a well known part of their history. And more recently they have often felt themselves meanly or harshly treated by Churchmen. On this subject the language of their most able organ is so noble that it must be quoted here :—

“ The Methodists know these things : they know the names by which they might justly be called : but do they apply them ? They feel wronged, but do they revenge themselves ? Have they in any day of the Church of England’s difficulty thrown themselves into a hostile agitation ? Have they used their access to the working classes to raise them against the hierarchy—a course whereby they might have made themselves the political leaders of the populace of the country, and gratified to their heart’s content the passion of retaliation, had such unhappily possessed them ? Have they made common cause with the Dissenters in their organised efforts to destroy the establishment ? Or have they not steadily resisted allurements tending in that direction, thereby securing for themselves a rancorous enmity which breaks out in the press commanded by this party on every possible pretext : so that no anti-METHODIST brawler is too low to be loudly re-echoed, and no misrepresentation too absurd to be soberly repeated ? In spite of insult, in spite of downright wrong, in spite of proselytism, in spite of reproach and coldness, the Methodists have chosen to occupy a position towards the Establishment, which costs them bitter enmity from her opponents. For this they claim no credit. They do it not with a view to create a claim upon the Church of England—for they have not the slightest idea that any such claim would be heeded—but simply because it is right. The moment they became grievance-mongers, they would cease to be Methodists.” (‘London Quarter. Review,’ July, 1856).

In 1816, when a book was published by a Wesleyan Minister—‘ Ecclesiastical Claims,’ by the Rev. D. Isaac—which was thought to reflect injuriously on the Church, it was condemned in Conference by most of the leading Ministers. In 1834, when a Wesleyan Minister—the Rev. J. R. Stephens—joined an Agitation against the Church, he was suspended by the Conference, and eventually resigned his Ministry.

In strict accordance with this traditional position are the most recent expressions of the Wesleyan Organs on the action and policy of the Nonconformists. Look for instance at the article which appeared, Feb. 7, 1872, in the official Wesleyan Newspaper, ‘The Watchman and Wesleyan Advertiser,’ on the Nonconformist Conference in Manchester. There we read the opinion that “the oratory was in bad taste for such a Conference,” that it “produced no impression on the general mind of the country :” and that in the opinion of the writer, “and of the millions who think with us,” the proposal to overturn the Elementary Education Act, and substitute a rigidly secular system of education is not “a good cause.”

See also the Article on the “Political and Ecclesiastical Situation,” in the ‘London Quarterly,’ Oct. 1871.

A valuable little Catena of the opinions of the greatest Wesleyans on the Church has been published by the Rev. W. Willan, under the title of 'The Church, Wesleyan Methodism, and Dissent.'

37 (p. 361). *The Reformation of Subscription in 1865.*—That Nonconformists may know how much was done by the Act of 1865 to clear their way, the following extract is given from the speech of Mr. Buxton, one of the Commissioners who made the form substituted for the old forms of subscription. When the Bill was brought into the Commons, Mr. Buxton said:—

"It was of the greatest importance to observe that all these phrases which indicated that the subscriber declared his acceptance of every dogma of the Church had been swept away: and this had been done expressly and of forethought. As regarded the Thirty-nine Articles, the Commission had agreed to sweep away the words 'each and every of them:' implying therefore that the subscriber was only to take them as a whole, even though he might disagree with them here and there. As regarded the Prayer Book, the change was even still more marked: for instead of declaring his assent and consent to all and everything it contained, he only declared his assent to the Book of Prayer—that is to say, to the book as a whole, and his belief that the doctrine of the Church therein set forth was agreeable to the Word of God. Observe that he would not declare that the doctrines, in the plural number, or that each and all of the doctrines, were agreeable to the Word of God, but only the doctrine of the Church, in the singular number. It was expressly and unanimously agreed by the Commission that the word 'doctrine' should be used in the singular number, in order that it might be understood that it was the general teaching, and not every part and parcel of that teaching, to which assent was given." (Quoted in 'Stanley's Essays on Church and State,' p. 218).

It was in 1863 that a Royal Commission was issued to consider the question of subscription: and in place of all existing subscriptions the following form was substituted, to be required from the clergy and members of the University of Oxford who proceeded to the degree of M.A.

"I, A. B., do solemnly make the following declaration:—

"I assent to the Thirty-nine Articles of Religion, and to the book of Common Prayer, and of the Ordering of Bishops, Priests, and Deacons: I believe the Doctrine of the United Church of England and Ireland as therein set forth, to be agreeable to the Word of God: and in Public Prayer and Administration of the Sacraments I will use the form in the said book prescribed, and none other, except so far as shall be ordered by lawful authority."

This was enacted by 28 & 29 Vict. c. 122, in 1865. When we remember what subscription was in the days of Elizabeth and

James I.: when we consider what subscription still is in the Presbyterian Churches of Scotland, both Established and Free, we cannot but agree with Dean Stanley that this is the mildest form of subscription ever yet invented.

By a more recent measure even this modified form of subscription has been abolished: and the Dissenter may take the degree of M.A. or be elected to a Fellowship without hindrance.

38 (p. 363). *The Reform of Convocation.*—The newspapers in commenting on the recent debate on the Athanasian Creed in the Convocation of Canterbury have brought forward the desirableness of having laymen in Convocation.

At a meeting held at the invitation of the Earl of Shaftesbury on May 11, 1872, a Declaration was signed by upwards of a hundred clergymen and influential laymen, in which they recognised “the urgent necessity of combining in defence of the Church Establishment,” and set forth “the basis on which they were prepared to co-operate with fellow Churchmen. Among the suggestions contained in this document is “the reform of Convocation by an adequate representation of the parochial clergy, and the admission of the laity.”—‘Manchester Examiner and Times,’ June 1, 1872.

Yes, if the clergy are in return admitted into Parliament.

39 (p. 364). *Diocesan Synods and Conferences.*—In the Dioceses of Salisbury, Lincoln, and Carlisle, efforts have been made to bring about diocesan action. On August 9, 1871, a large meeting was held in Salisbury Cathedral Church, composed of noblemen and gentlemen, and the Clergy and Churchwardens of the Diocese: and this meeting was called a *Conference*. In his address, the Bishop said that this was merely a constituent body, only convened for the purpose of creating a permanent body to be called a *Synod*, though composed of laymen as well as clergy.

In the Diocese of Lincoln, on the other hand, a preliminary meeting was held on September 20, 1871, consisting of the Bishop and the whole clergy. This was strictly speaking a *Synod*, or ecclesiastical assembly: and was so called. It met, among other things, to prepare the way for a *Conference*, in which clergy and laity were to deliberate together.

In the Diocese of Carlisle a *Conference*, or assembly of clergy and laity, began to be held in September, 1870: but there is no diocesan *Synod*, or ecclesiastical assembly.

In the first case a *Conference* is called a *Synod*: in the second case a *Synod* and *Conference* co-exist: in the third there is a *Conference* without a *Synod*.

The difference between the two seems to be that in a *Synod* the clergy meet and frame rules binding on themselves; in a *Conference*, the clergy and laity meet and discuss subjects of interest to both. (Bishop of Carlisle’s Address in the Report of the Conference of 1871.)

40 (p. 372). *The Grants made by the State to the Church in the present Century.*—These grants, of which much has been made by the party hostile to the Church, are far from being a clear case of the devotion of public money to religion.

“To the question, What is the origin of Church edifices and endowments? I unhesitatingly reply—Private liberality, and that alone. There are only two exceptions to this, and even of these one is more apparent than real. The first of these exceptions relates to edifices. Rather more than fifty years ago, our Government received from one of the foreign powers an unexpected payment of a loan of some millions, and they persuaded Parliament to apply one million towards the building of churches in populous places: and to this another half million was afterwards added. The other exception relates to endowments. Some time ago the Liberation Society stated with a great air of triumph that ‘from 1809 to 1820 more than a million of pounds were voted out of the public taxes for the better endowment of poor livings in the Church of England.’ This is so far true that from 1809 to 1820 the State did pay 100,000*l.* a year to the governors of Queen Anne’s Bounty for the augmentation of small livings. But then those governors had a strong pecuniary claim upon the State. In the dark ages before the Reformation, the Pope claimed and received from all beneficed clergymen what were called first-fruits and tenths—that is, the whole of the first year’s income of their benefices, and the tenth part of all subsequent years. At the Reformation King Henry VIII. seized upon these: and they were retained by him and his successors from the year 1553 to the year 1703. It has always been a rule of English law that all Church property received by the Crown is received by it in trust for the Church. This rule as far as first-fruits and tenths were concerned, was set aside till Queen Anne came to the throne: when certain trustees were appointed, called the Commissioners of Queen Anne’s Bounty, and they have ever since received those first-fruits and tenths, or rather certain fees which every clergyman, on being inducted to a living, pays in lieu of them. The income thus derived has been about 200,000*l.* a year. Even supposing the income from 1553 to 1703 was much less than that, still, on the lowest computation, it would far exceed the amount paid by the State between 1809 and 1820. Hence the sum so paid may be regarded rather as the discharge, or partial discharge, of a debt, than as a free gift from the State to the Church.” (Paper read by Rev. G. Lawrence at the Nottingham Church Congress: ‘Report,’ p. 338.)

41 (p. 377). *England an Empire.*—The old imperial theory—that England is an Empire—is by Mr. Freeman justly viewed in connection with the independence and nationality of the English Church.

From the days of Athelstan the Kings of the English assumed the title of Emperor of Britain, meaning thereby to assert the independence of the English Crown upon any foreign superior, as well

as the dependence of all the other powers of Britain upon the English Crown. “It was meant to assert that the King of the English was not the homager but the peer alike of the Imperator of the West and of the Basileus of the East: and it was meant to assert that Scots, Welsh, and Cumbrians owed no duty to Rome or Byzantium, but only to their Father and Lord at Winchester” (‘Norm. Conq.’ i. p. 142.) It was meant to assert in short that Britain was the third imperial division of Christendom.

To this theory, or rather to this very important fact, the Ecclesiastical division exactly agreed. The Britanic Churches, or as they are now termed the Pan-Anglican Churches, constituted a separate Patriarchate. Archbishop Anselm received from the Pope at the Council of Bari the title and style of *Papa alterius orbis*: that is to say, the English Metropolitan was acknowledged to be a Patriarch, owning indeed the Primacy but not the Supremacy of Rome: just as the Constantinopolitan Patriarch owned the Primacy but not the Supremacy of Rome.

This Imperial style was revived by Henry VIII. and Elizabeth in the great declaratory Statutes referred to in the text: and it is remarkable that it was revived in order to assert in the most unmistakeable manner the independence of the Church. It is now familiar enough to us in the phrases “the British Empire,” and “Imperial Parliament.”

In our own day it has been revived by the Church in the summoning and assembling of the Pan-Anglican Synod: which might perhaps have better been named the Britanic Synod. As Metropolitan, the Archbishop of Canterbury could only summon the Suffragan Bishops of his own Province. As Patriarch, he could and did summon Bishops from all the Britanic World.

42 (p. 378). *The Phrase Church and State.*—The Phrase Church and State may occur in our older writers in an incidental manner. It occurs once in Lord Bacon (On Controversies). But the present writer believes that it was not regularly adopted and used, as it is now, before the last half of the seventeenth century. It is found once or twice in Fuller, about 1655. In 1681 Heylin published his History of Edward VI., “with the Condition of affairs both in Church and State.” In 1675 Burnet published his ‘Vindication of the Authority, Constitution, and Laws of the Church and State of Scotland:’ and in 1689 his ‘Papers relating to the Affairs of Church and State.’ These are the earliest examples known to the writer.

The objection to the phrase is that it habituates the mind to think of the Church and the State as two separate things: it does not express the organic unity of the State Ecclesiastical and Civil.

43 (p. 387). *Absence of Hostility to the Church in the early Non-conformists.*—From the works of Owen, Howe, Flavel, Baxter, and Henry, passages might be cited in abundance to show, as of course

might be expected, that those great Nonconformists not only bore no antipathy to the national establishment of religion, but held it essential to the well-being of the nation. Let one or two suffice. Preaching before the Long Parliament Owen said, "Some think if you were well settled, you ought not, as rulers of the nation, to put forth your power for the interest of Christ. The good Lord keep your hearts from that apprehension! . . . If it once comes to this, that you shall say you have nothing to do with religion as rulers of the nation, God will quickly manifest that he hath nothing to do with you as rulers of the nation."

Baxter in his 'Christian Directory,' addressing civil rulers, said, "Let none persuade you you are such terrestial animals that you have nothing to do with the heavenly concernments of your subjects. There is no such thing as temporal happiness to any people, but what tendeth to the happiness of their souls."

Matthew Henry wrote, "Let us give God praise for the National Establishment of our religion, with that of our peace and civil liberty:—that the Reformation was in our land a national act: and that Christianity, thus purified, is supported by good and wholesome laws, and is twisted in with the very constitution of our government."

In the works of the Nonconformists of the succeeding age, Watts Doddridge, Edwards; when Nonconformity had grown to be a confirmed and settled thing; we find the same sentiments of goodwill to the principle of an Establishment. "Ministers of all denominations claim our prayers," said Doddridge, "and particularly those of Established Churches: where as the temporal emoluments are generally greatest, there is of course more to invite unworthy persons to offer themselves to the ministry. Nor ought we to forgot those wise, learned, and pious men, whom our governors may from time to time think fit to raise to the most exalted stations among the clergy, and to invest with a dignity and authority which, though no part of their ministerial office, is capable of being improved to great advantage. It is devoutly to be wished that they may use their great influence and power to exclude them that are unworthy from that important trust, &c. By these pious and zealous endeavours an Establishment may flourish, and separate interests decrease. But what folly and iniquity were it so much as secretly to wish that one limb might grow by the distemper of the body, or one coast be enriched by the wreck of the public navy." (Serm. on Deut. xxiii. 9, cited in 'Essays on the Church by a Layman,' 1838, where other testimonies may be found.)

It is a generation later when we find the tone of Nonconformity beginning to alter, as in 'Palmer's Protestant Dissenter's Catechism,' 1774, where it is objected to the Church of England "that it is a civil establishment, it being framed by human authority—its laws founded on Acts of Parliament, and enforced by civil functions,—and the chief magistrate, as such, being its supreme head" (p. 28). Yet even here no aggression on the Church is so much as thought of:

and it is held that "Dissenters ought to be exceedingly thankful to God for, and diligent to the utmost to improve, the liberty, which they enjoy, of separating from a national Church" (p. 82).

44 (p. 388). *Disintegration of the Nonconformists on the Subject of Education.*—The Congregational body is much divided in opinion on the question of the Education Act. This discordance was manifested at the annual meeting of the Congregational Union in May, 1871.

Many men of the highest mark in the body declined to attend at the Manchester Conference: or being present held their peace because they did not choose to wrangle with a majority which had adopted a policy very distasteful and annoying to a large number of the most influential of the Congregationalists. (See an Art. in the 'Watchman and Wesleyan Advertiser,' March 8, 1872.)

At a meeting of the "Dissenting Deputies," a body which has the special duty of watching over the interests of Dissenters as affected by Parliamentary proceedings, the discordance of opinion broke out again. The Chairman thought that they ought to keep the question of disestablishment in the front rank, not divide public attention by the subject of education. One Deputy said that they were in danger of creating a great schism among themselves. Another (Mr. Potter) said that they had committed "the greatest blunder he had ever known them to commit since he had anything to do with public affairs." The principle of secular education in the day schools of the country "was one which he hoped never to see adopted: he was manager of a school for four years in which the education of 1200 children was carried on, and he had never seen any religious difficulty: nor had any difficulty been experienced in the School in the City of London, of which he was still the treasurer." ('English Independent,' March, 1872.)

Again have these dissensions been renewed at the last meeting of the Congregational Union, May, 1872. The Rev. T. Binney and Dr. Stoughton—perhaps the two greatest living Nonconformists—in a few guarded words expressed themselves desirous not to be understood as approving certain sentences in the Report which referred to education and the Manchester Conference. They did not wish to raise the general question, but only to guard themselves: but they nevertheless had raised it. A perfect storm of resolutions and amendments succeeded, and the question has been left at last by the Congregational Union—the most important of Nonconformist assemblies—in a dubious and unsettled state. ('English Independent,' May, 1872.)

45 (p. 388). *Cobbett on the Principle of Establishment.*—Cobbett's vindication of the principle of establishment, and reprobation of the state of the Church in his day, are doubly instructive. If he could have seen the Church as she now is, he would have been among her staunchest supporters.

"An Established Church," he says, "a Church established upon

Christian principles, is this—that it provides an edifice sufficiently spacious for the assembling of the people in every parish: that it provides a spot for the interment of the dead: that it provides a priest, or teacher of religion, to officiate in the edifice, to go to the houses of the inhabitants, to administer comfort to the distressed, to counsel the wayward, to teach the children their duty towards God, their parents, and their country: to perform the duties of marrying, baptizing, and burying; and *particularly* to initiate children in the first principles of religion and morality: and to cause them to communicate, that is to say, by an outward act of theirs to become members of the spiritual Church of Christ: all which things are to be provided for by those who are the proprietors of the houses and lands of the parish: and, when so provided, are to be deemed the property or the uses belonging to the poorest man in the parish as well as to the richest.”—

“ This is an Established Christian Church: and this you, the parsons, will tell the people that they actually have: and you will tell the people who have no houses and land that, in calling for the abolition of tithes, they are in fact calling upon the rich to take from them, the poor, the only property that they have in the country. Alas! you will tell them this in vain. They know that the Church is not this thing now to them: they know that you do not visit their houses and comfort them when they are sick, except in instances so very rare that they hardly ever hear of them: they know that you do not teach their children, and that though the churchwardens annually certify to the bishop that the children communicate, hardly a workman in the kingdom ever saw or heard of such a thing being done: they know that you are frequently on the bench, perched up as justices of the peace: they know that you frequently sentence them to punishment without trial by jury, and sentence to transportation for what is called poaching. This is the capacity in which they now know you: and to induce them to stir hand, foot, or tongue in defence of the Establishment is no more possible than it is to induce a Jew to give up a farthing of his interest.”—“ I was a sincere Churchman—because it was reasonable and just that those who had neither house nor land, and who were the millions of the country, and who performed all its useful labours, should have a church, a churchyard, a minister of religion, and all religious services performed for them, at the expense of those who did possess the houses and the land. In a word, in the church and its possessions I saw the patrimony of the working people, who had neither house nor land of their own private property. For these reasons I was a friend, and a very sincere friend, and able to be a very powerful friend of the Church Establishment.” (*Political Register*, December 21, 1833.)

“ *Ought we to have any Establishment at all?* In answering which for ourselves, it is our opinion that this nation has been much more religious and happy under the influence of the Protestant Established Church than it is ever likely to be in case that church were

abolished. To make the question still more close, let it be this, *Whether it be reasonable that any one should be called upon to contribute towards the maintenance of a church, the tenets of which he dissents from?* This is making the question as home as it can well be. And we do not hesitate to say that there is to us nothing so outrageously unreasonable in the idea." (Pol. Reg., April 20, 1833.)

"Get upon a hill, if you can find one, in Suffolk or Norfolk: and you can find plenty in Hampshire, and Devonshire, and Wiltshire: look to the Church steeples, one in about every four square miles at the most on an average:—imagine a man, of small learning at the least, to be living in a genteel and commodious house by the side of every one of these steeples, almost always with a wife and family: always with servants, natives of the parish: gardener, groom at the least, and all other servants. A large farm-yard, barns, stables, threshers, a carter or two, more or less of glebe and of farming. Imagine this gentleman having an interest, an immediate and pressing interest, in the productiveness of every field in his parish—being probably the largest cornseller in the parish, and the largest rate-payer—more deeply interested than any other man can possibly be in the happiness, harmony, morals, industry, and sobriety of the people in his parish. Imagine his innumerable occasions for doing acts of kindness: his immense power in preventing the strong from oppressing the weak: his salutary influence coming between the hard farmer, if there be one in his parish, and the feeble or simple-minded labourer. Imagine all this to exist close alongside of every one of those steeples, and you will at once say to yourself, hurricanes and earthquakes must destroy the island before that church can be overthrown. And when you add to all this, that this gentleman, besides the example of good manners, of mildness, and of justice that his life and conversation are constantly keeping before the eyes of his parishioners—when you add to all this, that one day in every week he has them assembled together to sit in silence: to receive his advice, his admonitions, his interpretations of the will of God as applicable to their conduct and their affairs; and that too in an edifice rendered sacred in their eyes from their knowing that their forefathers assembled there in ages past, and from its being surrounded by the graves of their kindred—when this is added, and when it is recollected that the children pass through his hands at their baptism, that it is he alone who celebrates the marriages, and performs the last sad service over the graves of the dead,—when you think of all this, it is too much to believe that such a Church can fall."—

"This settles the matter as to the Church as it now stands: and then the next question is, *Can it be restored to what it ought to be?* If it could be, that is the thing that ought to be done—because, though people in great towns do not perceive it, it is a serious change to the country—a serious change to the 465 parishes of Devonshire for instance, to the 625 parishes of Lincoln, the 721 parishes of Norfolk, the 411 parishes of Kent,—a serious change to

take away one little gentleman out of every one of these parishes."

'Political Register,' February 22, 1834.

46 (p. 389). *The Bicentenary of Nonconformity, and the Congregational Memorial Hall: the Bartholomean Era.*—Dr. Winter Hamilton, the late learned and eloquent Independent Minister, said of the celebration of St. Bartholomew, "It is no portion of our chronicle. It is robbery to keep it as our festival. It is suicide, for it commits us to conclusions at utter variance with our profession." (Quoted in 'Lond. Quarterly,' July, 1862.) He was right, as an Independent, in so saying: since the Ejected Ministers were nearly all Presbyterians, who cordially detested the system of Independency: while the few Independents and Baptists who were in the number of them, were apostates from that system, for they had accepted Church livings on the appointment of the State.

English Presbyterians, as far as doctrine is concerned, is extinct. Those who call themselves after that name are now Socinians. The spirit which caused them to dissent from the Episcopalian Church of England has long departed from them: hostility to the principle of establishment they never had: and it is not from them that the revival of a quarrel two hundred years old has proceeded, though they (if any) are the representatives of the men who were ejected in 1662. This curious movement of the Bicentenary appears to have originated with the "adherents of the Congregational way,"—Independents, Baptists, and others, who were least of all concerned in the Bartholomean ejection. They it was who ten years ago formed "The Central United St. Bartholomew Committee of Evangelical Nonconformists," from whose operations the Congregational Memorial Hall was founded the other day. But why do Independents and Baptists keep up immortal enmity because Presbyterians were ejected so long ago? Whence the extraordinary violence of the language used by some of the Nonconformist ministers in the celebration of the Bicentenary in 1862? One of those ministers, at a meeting at Birmingham, called the clergy who subscribed in 1662, "liars, whom the sanctity of religion did not appal, and murderers, whom the destruction of souls did not deter." The spirit of Philip Henry was different, who said, "I dare not judge those who do conform: for who am I, that I should judge my brother?"

In the text the present writer has sufficiently expressed the belief that the Act for Uniformity and all that followed from it was a great calamity for the Church. But is not possible to doubt that the immediate consequences of that Act have been greatly exaggerated: that the sublime withdrawal of "the two thousand" must be thought of rather as a figure than a fact. Neither ancient nor modern historians are agreed on the sum total: Calamy and Palmer, Stoughton and Stanford, all give it differently. Of more than five hundred of the names supplied by the two former no particulars are known: of about as many more what particulars are known show

that they were not persecuted, that they did not go out on the Bartholomew Day, that they were ejected for other reasons than Non-conformity, or that they afterwards conformed.

47 (p. 393). *The Statistics of 1851 concerning the numbers of the Religious Denominations in England and Wales.*—In 1851 the number of places of worship in England and Wales, and the amount of accommodation for worship afforded by the several denominations, was ascertained by the Registrar-General. At the same time an attempt was made to ascertain the number of adherents of the several denominations by counting the persons who attended their worship on a certain Sunday, March 30. Upon the Tables then published the Dissenters base their boast that they compose half of the religious population of the country.

According to these elaborate Tables there were then 14,077 places of worship belonging to the Established Church, 20,390 belonging to the various Dissenting bodies. But the places belonging to the Church contained sittings to the number of 5,317,915, against 4,894,648 sittings in the other places. The number of persons who attended the places belonging to the Church on the Sunday was 5,292,551: those who attended other places of worship were 5,603,515. (Supplements I. and II. to Table A.)

These estimates may probably be accurate enough as regards the places of worship. The Church had then considerably the fewer number. But the enquiry brought to light the rapid and constantly accelerated rate at which the Church was moving even twenty years ago. Of the 14,077 existing churches, chapels, and other buildings belonging to the Church of England, there were built—

Before 1801	.	.	.	.	.	9,667
Between 1801 and 1811	.	.	.	.	.	55
,, 1811 and 1821	.	.	.	.	.	97
,, 1821 and 1831	.	.	.	.	.	276
,, 1831 and 1841	.	.	.	.	.	667
,, 1841 and 1851	.	.	.	.	.	1,197
Dates not mentioned	.	.	.	.	.	2,118

(‘Report,’ p. 14.)

In the last twenty years the building and endowing of Churches has been utterly unprecedented: a new estimate of the places of worship would yield a very different result for the Church.

As to the number of worshippers, the returns may well be regarded as deceptive. The same persons may have attended twice: some of them thrice. It is at any rate observable that if only one service had been taken, or only the Morning and Afternoon Services, the Church, instead of being beaten by about three hundred thousand, would have been in the majority by about half a million in each case. (In the Morning the score was, Ch. 2,541,244; Diss. 2,106,138: in the Afternoon, Ch. 1,890,764; Diss. 1,293,371.) The great falling off of the Church was in the evening, when out of about

three million attendances she only scored about eight hundred thousand. Any one who has lived in a scattered country parish can account for this.

If the Nonconformist leaders, reckoning from these antiquated figures, think that half the religious population is with them against the Church, they must be reminded that a deduction of half their total must be made for the Wesleyans and the Roman Catholics, neither of which bodies are available for a crusade against the principle of an Established Church. But for a more probable estimate of the number of Dissenters see next Appendix.

48 (p. 393). *Probable Number of Dissenters in England.*—In the important speech which he delivered at the Public Meeting of the National Society held in S. George's Hall, Liverpool, April 5, 1872, Mr. J. G. Hubbard gave a calculation of the probable number of Dissenters in England.

“ Twice—first in 1860 and again in 1870—Churchmen have desired a true religious census, in which every man would declare his religious profession. Twice have the Dissenters resisted the enquiry, and successfully, although in 1860 Sir Cornwall Lewis yielded to the opposition most reluctantly, and with marked disapproval of the futility of the objections. To test Sir Morton Peto's assertions in 1861, I examined all the sources of information open to me, such as the returns of burials in consecrated and unconsecrated portions of public cemeteries, the returns of marriages by the Church and by the Registrar, and from these and other returns bearing on the subject, I found the proportion of Dissenters of all kinds vary from 20 to 28 per cent. But a publication entitled, I think, ‘ Denominational Statistics,’ by E. G. Ravenstein, has recently fallen into my hands : the conclusion of the author being that the proportion of Dissenters of all kinds, Jews, Roman Catholics, and Secularists, amounts to 22 per cent. of the population of England and Wales. It is impossible to obtain accuracy without an actual census, but it is evident that the Nonconformist estimate of 50 per cent. is gravely exaggerated.”

49 (p. 298). *The Endowments of the Church.*—Three years before the incorporation of the present Ecclesiastical Commission, when the demand for a “more equitable redistribution” of the revenues of the Church was first raised, the late Bishop of Exeter in one of his Charges laid open the whole case of the Endowments of the Church in an admirably clear manner. The passage is as follows :

“ One thing indeed is certain, and especially worthy of remark, that originally every separate parish was tolerably well endowed with tithes, and every one had a house and glebe: so that if the property of the Church had remained untouched, there would now be no room for complaint of the unseemly poverty of any of the ancient benefices. It was the unhappy policy of successive generations permitting the endowments of half the parishes in England to

be appropriated to monasteries, and the profligate policy of King Henry VIII. and his successors, who after monasteries had been suppressed, did not restore the endowments of those appropriate parishes to the Churches from which they were taken, but gave or disposed of them in various ways:—it was this which was the main cause of the disgraceful penury of many endowments of the most important parishes in England. Neither, unhappily, was this all: Henry granted the appropriations to be holden by his grantees on the same conditions as those on which they had before been holden by the monasteries. But one of these conditions was the supply of an adequate maintenance for the Vicar. The 15th Richard II. c. 6 (and there are other Statutes to a similar effect) expressly requires that in all appropriations the Vicar shall be well and sufficiently endowed: and the fair increase from time to time of the Vicar's maintenance the Bishop was enabled to enforce, and was in the practice of actually enforcing, by sequestration and ecclesiastical censures. But when the appropriations passed into the hands of laymen, they were said to have changed their legal nature, to have become lay fees, the holders of which were not liable, even on account of their ecclesiastical possessions, to the jurisdiction of the Bishop: and thus the monied payments fixed in, and before, the time of Henry VIII. (which were then a decent maintenance, at least, for an unmarried clergyman) have become the only stipends of the ministers, which, it is commonly understood, can now, after the incalculable depreciation of money, be demanded by law from the holders of the many inappropriate parishes, which are in the hands of laymen.

“These are the real causes of the scandalous and mischievous poverty of many most important cures: and the mere statement of them is sufficient to show that the inequality in the value of different benefices, great and lamentable as it is, cannot be justly imputed to the Church: that there is not, as is often charged, any inequitable distribution of its revenues: for the Church, I repeat, is not one corporation, nor have its governors any authority to *distribute* ecclesiastical revenues; but there has been, at different times, a most unjust, though happily not an universally extended nor an equal spoliation of the revenues of different benefices.” (Charge, 1833.)

50 (p. 403, sq.).—*True Nature of the Endowments of the Church.*—There is a passage in Matthew of Paris—that truly national historian—which shows how well the nature of Endowments and the impossibility of alienating them with justice was understood in England in the thirteenth century. The great alienator at that time was the Pope: whose robberies of the English churches exhausted the patience of the nation. A council was assembled in 1244, and the following consideration was laid before the King and Kingdom.

If the Pope would consider the state of the primitive Church of England, which had continued to the present time, he would not

extort from ecclesiastical persons and from Churches, what was not his own. The Kings in England from Ethelbert downwards had founded Churches, giving from their own special patrimony lands and possessions sufficient for the sustentation of those—whether clerks and priests, or monks—whom they fixed in the places assigned, to serve God and cherish the poor. “*Si igitur ista et consimilia dantur locis spiritualibus, et locorum Episcopis, tanquam certis personis, in Cathedralibus ecclesiis dicimus, et Abbatibus et Abbatis, de patrimonii et laicis feudis Regum et Principum, quo jure poterit, praeter injuriam juris alieni, in alias usus præmissa convertere?*” (P. 622.)

51 (p. 409). *Mr. Miall's Scheme of Disendowment.*—In his speech at Leicester, delivered in March, 1871, Mr. Miall told Churchmen that he was their best friend, that he was so far from wishing to cripple their resources, that his aim was to develop them to the utmost by freeing them from the thraldom of the State, and raising them to the enjoyment of the same liberties which are enjoyed by non-established Churches.

We make no question of Mr. Miall's sincerity: but in the next part of his speech it appears that this process of development is to be carried on by stripping the Church of her possessions, lest she should be dangerous in a state of freedom. “The great danger,” he said, “that staled statesmen in the face with regard to the disendowment of the Church of England was this—that they would have a spiritual corporation so strong and so rich and powerful, that it would be like an *imperium in imperio*: and that the State itself would hardly be able to stand against the influence that the Church would be able to exert. It might be so, and if that power came out of religion, he should rejoice at it—if it were born of truth, and an adherence to the principles of the kingdom of Christ Jesus their Lord—all of them would rejoice at it: but if it were to be simple pecuniary power, he did not think that they who were carrying on that movement, nor any statesman who had hereafter to settle it, would be doing wisely to strengthen that power by the way in which they satisfied all vested interests. For his own part (he spoke merely on his own personal responsibility, and not in the name of any society or association of men) the mode in which he would propose to carry out the disendowment of the English Church would be this—that every parish should retain the funds set apart by the State in that parish for ecclesiastical purposes (not retaining them for ecclesiastical purposes), and after satisfying all vested interests associated with them, should do with that fund that which the parish felt to be most necessary in order to develop its social welfare: separate it only from religious use, as was done in the case of the Irish Church, and let each parish decide for itself to what other use it would put its own fund. Give them the Church building, give them whatever property the Church had in her own right: give them the tithe, give them the glebe: let them be parish property, to be

used for the moral advantage of the parish in all future time, but not to be used in such a way as that one denomination of Christians should obtain the benefit of them to the exclusion of others." (Report of Leicester Speech in 'Church Bells,' March 11, 1871.)

52 (p. 424). *Free Constitution of an English Parish: nature of Church Rates.*—"It has often been asserted that the Church of England is a National Church because it is maintained by the nation. This is a very common error. The Church in England is not supported by votes of money from the State, as the Presbyterians are in Ireland. The Endowment of the Church of England consists of property which it has inherited and held for as many centuries as England has been a nation. The Endowments were originally the gifts and donations of certain persons who were prompted by piety or superstition. Church-rates are not a property: they are of a different nature. They arise out of the right and power which every parish has, like a free republic, to tax itself, and to impose political duties on its own inhabitants. It is not by reason of its funds that the Church of England is a national Church, but because the laws of the Church are part and parcel of the law of the land, because they are inextricably interwoven together . . . The parish is not more an ecclesiastical than a political institution. The Churchwardens are secular officers, elected by the parish, to look after everything that is for the common welfare of the parish. . . . The whole parish has the power to make a bye-law to tax itself for any object which the parishioners consider to be for the general good. The tax is levied on the parishioners, not as professors of this or that religion, but as possessors of some of the property of the parish. . . . The legislature even cannot put a tax upon a parish. It can be effected only by the supreme will of the parish: a bye-law must be made by the parish. A Parish is in fact a free republic. England is a federation of republics." (Lord Robt. Montagu: 'Four Experiments in Church and State.')

## THIRD ESSAY

ON THE

# MAINTENANCE OF THE CHURCH OF ENGLAND

AS AN ESTABLISHED CHURCH.

BY JULIUS LLOYD.

Oὐ γάρ τι νῦν γε κακθέσ, ἀλλ' ἀεί ποτε  
Ζῆται ταῦτα.

ANTIGONE, 456.



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## CHAPTER I.

### HISTORICAL REVIEW.

UNTIL a recent period the duty of the State towards the Church was generally acknowledged without dispute. Speculations as to the ground and the limits of such duty were not uncommon; but they were theories to support a foregone conclusion, so far as they affected the question, whether the Church should be established or not. By one school of philosophers, the State was conceived after the analogy of an individual man, as a personal being, endowed with a conscience, and therefore bound to profess a religion. By another school the public welfare was assumed to be the sole criterion of duty, and the true object of a national religious establishment. In either case, however, whether on the principle of abstract duty or of practical expediency, the constitution of Church and State was vindicated, all the more easily that it was not supposed to require serious vindication. Among all but the most ardent reformers a conservative spirit prevailed, and men shrank from the full development of thoughts which tended towards change. We have now entered upon a season in which the contrary disposition prevails. For a time, at least, the spirit of conservation has given way, like a great thaw.

Love of novelty, which was accounted treason in the Roman Republic, is the habit of mind prevailing now in a large class of society. Both in politics and in theology there is a rising tide of revolutionary opinion, which culminates on the common ground between the two, the ecclesiastical constitution of the realm. At the present day, if we venture to defend the exist-

\* \* The reference numbers in the text belong to the 'Notes' at the end of the Essay.

ing system, we have to ask at the outset that it may not be thought worse of, for being old. Depreciating any prejudice against the Church of England on the ground of its antiquity, I propose to consider soberly the general fitness of such measures as are involved in the establishment of a National Church; and in particular the claims of the Church of England to be maintained in that position.

Yet it is necessary, in the first place, to show briefly how deep and strong are the historical roots from which the Church of England has sprung. To pass over the ground of antiquity might suit the fashion of the hour, but it would be unjust to the Church and to the motives of her worthiest adversaries. For among those who desire novelty there are few, except the most frivolous, who desire novelty for its own sake. Under the superficial love of change there is latent a generous aspiration after some new principle of order to supersede the old. Disdain for the past is often disdain for the immediate past, and coupled with a large measure of reverence for more distant ages. Truth-seeking men set aside the traditions of recent date only in the hope of forming a more complete induction from a larger circle of observation.

Therefore, we ought to bear in mind that National Churches have grown out of the most primitive and universal usages of mankind. The earliest glimpses of history show the sacerdotal and regal offices united in one person. Abraham paid homage to a priest-king, who in his twofold office was afterwards pointed out as a type of Christ. For those who acknowledge the authority of Scripture, the significance of the character of Melchizedek can hardly be overstated. It is quite sufficient, alone, to answer one-half of the theological arguments against a State Church. Yet even his venerable figure is only the central one among many. He represents the transition between two forms of society: from patriarchs, in whom priesthood and royalty co-existed in an undeveloped state, to priests and kings of later times; priests exercising judicial authority, like Samuel; and kings officiating at religious functions, like David and Solomon. In the kingdom of Judah we begin to trace the familiar features of royal supremacy and an estab-

lished Church. In the kingdom of Israel there was a corrupt form of State religion, which exaggerated the faults of the system. And so far as our information ranges over the Gentile world, we see nothing else but the same rule prevailing. Heathen deities were worshipped as tutelary deities of a particular place or nation: as we see in the King of Assyria's boastful message to the Jews,—“Who are they among all the gods of the countries, that have delivered their country out of mine hand, that Jehovah should deliver Jerusalem out of mine hand?” Sometimes, indeed, when the sovereign power became strongly established, the monarch himself was worshipped as a god. Nebuchadnezzar's golden image is supposed, with probability, to have been an image of himself. The decree under which Daniel was condemned required divine honours to be paid to Darius. A similar claim of divinity on behalf of the Roman emperors was the sorest trial of the early Christians. In short, religion and loyalty were so much identified, that the refusal of the State religion was held to be a crime against the State.

Such spiritual degradation was from the first abhorred by the Church of Christ. The apostles and their successors proclaimed a Heavenly Kingdom, of which the laws were supreme above all other laws. Rather than worship an idol, or a man, they went unflinchingly to a horrible death; and their conscience would not suffer them to stifle their testimony to the whole truth which had been revealed to them. They waged open war against all the evils of the heathen world at once: against its falsehoods, its follies, its cruelties, its selfishness, and its pleasant vices. When they denounced the religion of the Empire, they would not have refrained from denouncing the very principle of a State religion if that principle had been contrary to the Holy Spirit. They were bold to rashness in reproofing error; and their interest, as a persecuted body, must have suggested to them all the pleas which are commonly urged in favour of the liberation of religion from State control. It is wonderful that the writings of the early Christians do not abound in such arguments. Yet they were led by the Spirit to hold fast in their adversity by principles which they could

maintain consistently in their prosperity. When the opportunity arose, they were able frankly to accept State protection. The Nicene Fathers found no obstacle in their path to hinder them from submitting to the patronage of Constantine. There was no sentence of Scripture to be explained away, nor any former protestation to be recanted. Fairly the Church had earned through fire and slaughter the civil dignity to which she was called ; and she made no renunciation of her allegiance to Christ (1).

The reign of Constantine was in more than one respect a turning point in Church history. By founding a new capital on the Bosphorus he brought about the lasting separation of Eastern from Western Christendom. Constantinople became the seat of empire ; and there the imperial power was able more and more to infringe upon the liberties of the Church, turning ecclesiastical disputes to its own ends. At Rome, on the contrary, the civil power was weakened by removal of the court to a distance ; and the Church asserted her independence so vigorously, as to engross by degrees the principal offices of the State. St. Peter's honoured name was brought in by an ingenious fiction, to give warrant for these usurpations. What was really given by Charlemagne as a bribe, was pretended to have been an offering of piety made by Constantine five hundred years before. In the revival of the name of Emperor, men endeavoured to reconcile the imperial and papal theories. For a short time, in the palmy days of the so-called Holy Roman Empire, there prevailed a theory of the co-existence of two sovereigns, the Emperor and the Pope, each equally divine within his own sphere (2). But the Empire perished, and the Papacy remained. Thus the establishment of the Christian Church produced two opposite results, through the disruption of Constantine's dominions. The Eastern Church was subjugated by the State ; the Western States were subjugated by the Church.

In England there was greater national independence than elsewhere. Papal claims were constantly resented, and if allowed at all, were allowed only under the pressure of civil troubles. Edgar and others of the Saxon kings were glad to

be supported by the spiritual authority of Rome, in their efforts to reform and control their clergy. The Pope was a valuable ally of the King in civilising his barbarous subjects. A conflict of rights began after the Norman Conquest; when two of the mightiest rulers of the Middle Ages, William and Hildebrand, came into collision. Each prudently declined to press the quarrel. It was deferred to the next generation, and wore out the life of Anselm. After many bitter disputes, the will of the king and people of England was solemnly affirmed in the Constitutions of Clarendon (3). The clergy were declared to be subject in civil matters to the civil power. Thus a commanding position was won by the crown; but a few years later the ground which had been gained was lost by the rash words of Henry, which made him responsible for the blood of Becket. The death of Becket, called a martyrdom, brought about the triumph of papal authority. Nevertheless, there lived under the Plantagenets a succession of loyal and thoughtful men, from Grosseté to Wycliffe, who contended for the liberties of the national Church against the alien domination of popes and the tyranny of kings. So, when at length it suited the purpose of a king of England to break with Rome, the rupture was not a new thing. It had been long anticipated, both by the popular wishes and by such laws as the statutes of "Provisors," and "Præmunire" (4). The royal supremacy which Henry VIII. asserted was in substance the same which had been exercised by Alfred, and for which Henry II. had striven. The Reformed Church of England, which dates from Edward VI., is essentially one with the National Church of Bede and Dunstan, bearing to it a relation more intimate and continuous than that which connects the present reformed Parliament with the Parliament of Simon de Montfort.

In the preamble to the Statute of Appeals (1532), styled by Mr. Gladstone, "the great primordial charter of the Reformation,"\* the ancient constitution of the realm of England is defined to include the spirituality and the temporality under one supreme head, the king (5). It is very seldom that the ideas

\* Gladstone's 'Remarks on the Royal Supremacy,' page 42.

of a distant period can be found presented so clearly and so authoritatively as in this memorable document. Both by formal assertion and by implication it proves that the English Church is not, as too many have supposed, a modern structure, contrived by the hands of Henry and Cranmer, but an integral part of the English constitution. Moreover, while statesmen took care to affirm in legislation the antiquity of the English Church as part of the body politic, divines were not less careful to show that in point of doctrine the Church maintained an unbroken connection with the Church of the Apostles. Nothing was more emphatically professed under Edward VI. and Elizabeth, than the adherence of the Church of England to the primitive rule of faith.

The sixth of the Articles of Religion, after stating that Holy Scripture contains all things necessary to salvation, proceeds to define Holy Scripture as consisting of "those Canonical Books of the Old and New Testament, of whose authority was never any doubt in the Church." The eighth Article maintains the Three Creeds without alteration.

The thirty-seventh, entitled, "Of the Civil Magistrates," explains, "we give not to our princes the ministering of God's Word, or of the Sacraments; but that only prerogative, which we see to have been given always to all godly princes in holy Scriptures by God himself; that is, that they should rule all states and degrees committed to their charge by God, whether they be ecclesiastical or temporal, and restrain with the civil sword the stubborn and evil-doers."

Elizabeth had scruples, which her advisers did not share, as to the title "Head of the Church." It seemed to her unbecoming any human sovereign. Imperious as she was in dealing with her prelates, she manifested an anxious wish to define the bounds of her supremacy according to the law of God. To her cautious moderation the terms of the thirty-seventh Article are mainly due.

The leading reformers bestowed comparatively little attention on this subject. They took for granted the immemorial maxim that to maintain religion was a sovereign's duty. As their grievances arose from the usurpation of the Pope, the natural

effect of controversy was to magnify the office of the civil magistrate. Abolition of papal supremacy involved, practically, the establishment of royal supremacy. As yet men did not entertain the idea of religious independence. Into the lofty niche at the summit of the ecclesiastical system, from which the Pope had been deposed, the sovereign was placed as a matter of course. It could not be left vacant. Under the circumstances of the time the bias of the reformers in favour of State interference is so natural, that much stress cannot be laid on it. Still it is a fact to be observed, that Luther and Calvin, Cranmer and Knox, pass lightly over this difficult ground, assuming rather than arguing that the State is bound to maintain truth and suppress error in religion. Calvin's opinions are expressed with sufficient distinctness in the Fourth Book of his *Institutes* (6). But his treatment of Servetus proves more conclusively than his writings, how far he pressed the duties of the civil power in support of ecclesiastical judgments. The blame which he has incurred in this case is not wholly deserved. His ideas were simply those of his time, and he has been judged as if he belonged to a more tolerant age, or as if his superiority of mind in theology gave him exemption from common errors. The real question between him and Servetus was not "whether the heretic should be burned," but "which of the two was the heretic?" Servetus himself stated the alternative, "his death or mine."

Lord Bacon expresses the opinion of his contemporaries in the next century when he says, "There be two swords amongst Christians, the spiritual and temporal; and both have their due office and place in the maintenance of religion." But he advances a thought of his own beyond the age when he adds, "we may not take the third sword, which is Mahomet's sword, or like unto it."\*

Hooker, in the unfinished Eighth Book of his 'Ecclesiastical Polity,' treats the whole subject with a depth and largeness of philosophy which has given an imperishable value to his work. According to his view, the State and the Church

\* *Essay, of Unity in Religion.*

are not two societies, but one society under two different aspects. "Our estate is according to the pattern of God's own ancient elect people, which people was not part of them the Commonwealth and part of them the Church of God, but the selfsame people, whole and entire, were both under one chief Governor, on whose supreme authority they did all depend." \*

It might be expected that the great name of Milton would be found in opposition to ancient traditions in this, as in other matters. His independent opinions disposed him to think meanly of the functions of the State in religion. Yet, even Milton is no adversary to the principle of Church Establishment. He pleads against the intolerance of the Church of his day, and against its doctrine and discipline. But the ideal Church of his wishes would not have dispensed with the support of the civil power. He recognises the principle of State interference by excluding popery and prelacy from the scope of his theory of toleration. †

Neither Milton, nor Jeremy Taylor on the other side, was prepared to adhere consistently to his doctrine of religious freedom. It was reserved for Locke to affirm as a general and unqualified principle, that a State should be tolerant of differences in religion. The further step of being not only tolerant, but neutral, was a possibility which was scarcely imagined until afterwards.

New doctrines, like new families, often seek favour by claiming an ancient pedigree. Thus, the separation of Church from State has been sometimes represented as a primitive system, a mere return from mediæval errors. In truth, however, the idea of such separation is altogether modern. Its historical source is not in the land of Israel, or in Greece, or Rome, but in America. Even in America it is new. The Pilgrim Fathers of New England were as far as possible from conceding to others the religious liberty which they had purchased dearly for themselves (7). It was Jefferson‡ who gave shape in the constitution of the United States to the philosophical indifference of Bolingbroke, Hume, and Voltaire. There

\* Ecclesiastical Polity, viii. i. 7.

astical Causes.

† Treatise of Civil Power in Ecclesi-

‡ Jefferson Memoirs, I. 34, 39.

were special causes for its adoption. For a National Church could not be formed among colonists of different races, banded together without a common history, each individual conscience bearing the stamp of its former nationality, and cherishing the creed of its fatherland or that of its free choice. The voluntary system was, under such circumstances, a needful expedient to shelve an inconvenient question. But we look in vain for a deeper principle than this, or for a much longer line of descent.

Among the sects to which the Reformation gave birth, the idea of freedom from the control of the civil power was entertained in a crude form. The Independents, in particular, rejected all superior authority, ecclesiastical as well as civil. But their doctrines, when put to the proof, were found to be one-sided: they meant only independence for themselves and those who held with them. Under the plea of liberty they aimed at ascendancy; and the result was rebellion when it was likely to succeed, and persecution of adversaries in the day of success. Some of these sectaries, otherwise almost forgotten, revenged themselves upon their oppressors of the National Church by a name of reproach which has endured. To the Cameronians it may probably be ascribed that the ancient order of Church government has been stigmatised by the word Erastian, as if it were the theory of an obscure Swiss physician. Even now, this misnomer is flung at the Church by unlearned or unscrupulous controversialists, like the imputation of base birth. For the most part, however, the quarrel of Nonconformists against the State has been, not that the civil power interfered with religion but that it refused to interfere according to their wish. State forbearance has been more unpopular than State interference.

When the Scottish secession of 1733 took place, the voluntary system formed no part of the scheme, nor was it introduced for a century afterwards.\* At the later disruption of 1843, the leaders of the Free Church declared emphatically that they were not *Voluntaries*. In fact, the Free Church is

\* Mackerrow, *History of the Secession Church*.

endowed, and might consistently with its principles accept State support, if unfettered by State patronage (8).

It would not be hazardous to assert that every Church or sect which has had the option of being established, on its own terms, has accepted establishment readily. The theory of independence has been cherished by those who, for various reasons, were dissatisfied with the actual policy of the State. But of no religious society can it be said, “Their religion might have been established and endowed, but they refused to have it so.”

## CHAPTER II.

## THE TESTIMONY OF SCRIFTURE.

IT would be surprising if the union of Church and State which is founded on unbroken Jewish and Christian precedent, were discovered to be at variance with the precepts of Holy Scripture. Yet this has been confidently asserted. The most conspicuous adversaries of the Established Church take their stand on the doctrine that all ecclesiastical establishments are “unscriptural.” What we have therefore to consider in this chapter is not any question as to the particular tenets of our Church, but the general question of State interference in religious concerns. The leaders of the Liberation Society, however earnestly they may insist upon the injustice or impolicy of such an Establishment as ours, or of any other, bring forward these considerations only in the second place. Mr. Miall, for instance, writes thus:—

“ Our main objections to every kind of alliance between the Church and the State spring out of our views of man in his religious capacity—our strongest arguments are derived directly from the Bible.”\*

Similar language is held by other Nonconformists. We, therefore, approach their position at its strongest point, when we accept their appeal to Scripture, and claim its testimony as unequivocally in our favour. A collection of Essays published by the Liberation Society, and entitled “ Standard Essays on State Churches,” includes several which treat the question with special reference to Holy Scripture. In these we may expect to find the most convincing arguments which

\* Standard Essays on State Churches, No. XI. page 3.

the study of Scripture supplies. For the work is described in the preface as "an armoury of weapons wherewith the most able and plausible defences of Church Establishment may be successfully assailed." Some of the essays were written many years ago, but they have been lately reprinted.

The most elaborate are by Scotch authors, Dr. Wardlaw, Dr. Brown, and Dr. Young, composed apparently for delivery from the pulpit, and with a rhetorical vehemence which is apt to lose sight of the real question at issue. Dr. Young's essay contains a number of sentences like the following:—

"The mind must be sadly bewildered which could come short of the proper conclusion."

"By what device that is even plausible any one can discredit this conclusion, I am unable to conjecture."

Where proof is announced so triumphantly, one may well enquire what is the precise conclusion to be proved. The result of this enquiry is curious. Texts and inferences are amassed in order to demonstrate that free gifts are sanctioned by the law of God. In support of this truism he and the others have marshalled their forces, and proved what no one denied. Not the unlawfulness of endowments or establishments, but the lawfulness of free gifts, is the needless conclusion of Dr. Young's laboured argument. It is assumed that we have no alternative but either to depend on free gifts altogether, or to reject free gifts altogether. On this point Bishop Magee has remarked, "As well may it be said, that because we have lately inaugurated a great Volunteer movement, therefore we are bound to abolish our standing army; or, that because it is the duty of Christians to give freely to the poor, therefore we should abolish our system of compulsory poor-rates."

Pains have been taken, however, to extract a prohibitive sense from St. Paul's words, "They which preach the gospel, should live of the gospel;" as if he said they must live by no other means than the free offerings of their hearers. The passage is in the ninth chapter of the first Epistle to the Corinthians. This is rightly held by advocates of the voluntary system to be the leading passage of Scripture on the subject. All that can be found elsewhere is illustrated here so

amply, that, so far as endowments are concerned, it is sufficient to consider what is written by St. Paul in this chapter, verses 7—15.

“ Who goeth a warfare any time at his own charges ? Who planteth a vineyard, and eateth not of the fruit thereof ? Or who feedeth a flock, and eateth not of the milk of the flock ? Say I these things as a man, or saith not the law the same also ? For it is written in the law of Moses, Thou shalt not muzzle the mouth of the ox that treadeth out the corn. Doth God take care for oxen ? or saith he it altogether for our sakes ? For our sakes no doubt this is written ; that he that plougheth should plough in hope ; and that he that thresheth in hope should be partaker of his hope. If we have sown unto you spiritual things, is it a great thing if we shall reap your carnal things ? If others be partakers of this power over you, are not we rather ? Nevertheless, we have not used this power, but suffer all things, lest we should hinder the gospel of Christ. Do ye not know that they which minister about holy things live of the things of the temple, and they which wait at the altar are partakers with the altar ? Even so hath the Lord ordained that they which preach the gospel should live of the gospel.”

The general scope of these sentences is very far from any ordinance against endowment. They amount to a justification of those ministers of the gospel who receive payment, and leave untouched the question into which controversy has drawn the passage, as to the mode of payment, except so far as the analogy of the cases to which St. Paul refers may suggest a probable inference.

These cases are so various that some of the analogies which they suggest incline one way, some the other. It is plain, therefore, that the apostle had no intention of pronouncing for or against an endowed Church. Yet the constitution of an endowed Church corresponds with his argument more perfectly, on the whole, than any other system.

First, he compares a minister of Christ to a soldier, who receives pay. A partisan of a State Church could not desire or invent a comparison more favourable to his own views. A

soldier's pay suggests the closest possible connection with the State. Whether or no this application of the apostle's argument was in his mind, it lies so near the surface that no one to whom the idea of State endowments was repugnant, would give to it such apparent sanction. In fact, it is passed over in significant silence by those who see in the following verses an explicit doctrine to the contrary effect.

Next, St. Paul compares a minister to the planter of a vineyard, who has a manifest right to the fruits, and to the shepherd of a flock, who has a right to the milk of the flock. A little further on, he adds the similitude of a husbandman, ploughing the earth and threshing the grain. These comparisons tend, if strictly pressed, to magnify the authority of ministers over the laity to a degree which few judicious interpreters of Scripture would approve. Yet they must be strained further still to bear out the conclusions which are deduced by Dr. Young, when he says :

“ What can this mean when applied as the apostle applies it, but that the man who planteth in the vineyard of the Church, or who feedeth the flock of Christ in the Church, as his regular occupation, is to live on the fruit of his labour ? ” “ Does not the plougher ply his labour in hope that out of the field which it tends to fructify, he will gather subsistence for himself and his family ? And is not the thresher animated by a hope exactly similar ? ” “ If the allusion teaches anything, it plainly teaches this : that spiritual husbandmen are to look for their support to the blessing of God upon their labours in the field where those labours are put forth.”

One question may be asked in rejoinder to these : Do the vineyard, the flock, the soil, yield their produce voluntarily or on compulsion ? The compulsory system, the very system which is most impugned by Dr. Young, follows directly from this text, handled as he handles it. But it is not worth while to accept a controversial advantage which arises from an overstrained interpretation of the analogies which St. Paul has brought forward.

If the pastoral office be somewhat unduly magnified by these illustrations, it is no less abased by the next which follows,

that of the labouring ox that treads out the corn, and is left unmuzzled that he may stoop on his rounds to fill his mouth with provender. Here is a comparison which has little to do with the question of voluntary or involuntary support. But in another respect it is of special importance. St. Paul appeals expressly to the law of Moses in this case, as a law of supreme and divine authority on the subject of the maintenance of the clergy. “Say I these things as a man? or saith not the law the same also?” Among the many writers who have quoted St. Paul’s words as expressing the revealed will of God, none appears to have observed this point. They are apt to dismiss the Old Testament as obsolete. Yet here St. Paul himself ascribes to its ordinances an authority above what he claims for himself in such matters of administration.

Nor does he scruple to appeal to the analogy of the priesthood. The priests who ministered in the temple lived upon the temple offerings. It is an open question how far the analogy between the two covenants is to be urged, but for the apostle’s argument it is indispensable that there should be some analogy: and therefore, that the ordinances concerning the support of the Jewish priesthood should not be utterly inappropriate to the Church of Christ.

We may observe throughout St. Paul’s discourse upon this subject, that he argues upon admitted principles. He does not, as he is sometimes misrepresented, dogmatize absolutely. He shows how common custom and the natural order of things combine with the Mosaic law and ritual to sanction the claim of ministers on the congregation for support.

It is hard to conceive how his meaning ever was so misconstrued as to be thought to imply a prohibition of other than voluntary offerings. But since this perverse construction of St. Paul’s words has had no little influence upon the minds of Nonconformists, it becomes necessary to examine the notable passage which we have quoted, with care, and to review the arguments which are founded upon it, with a patience and gravity beyond their desert. For this passage is the very hinge of the controversy on the law of Scripture concerning endowments. Logically there is a clear gap between the pre-

miss, "free gifts are commanded," and the conclusion, "all payments except free gifts are forbidden." The only way in which St. Paul's words can be understood prohibitively, is by limiting the terms "they which preach the gospel should live of the gospel." That is, to "live of the gospel" must be, to have no other source of maintenance but the free gifts of the minister's own hearers. From this arbitrary and extravagant interpretation the champions of the Liberation Society have not shrunk. Yet they can hardly have considered its full effect. For if it be sound, it condemns St. Paul himself, together with some of those whom Christendom has agreed to esteem most highly. To derive subsistence from earnings or from private property is not to "live of the gospel," in this sense, and therefore forbidden. However, in the very next verse St. Paul shows the unsoundness of such an interpretation; for he declares that he had not used the right which he claimed for his brother ministers. "I have used none of these things." He laboured with his own hands in order that he might not live upon his disciples. He gloried in preaching the gospel without charge. If then it be transgression to live of other means than free gifts, St. Paul was a conspicuous transgressor. Missionaries one and all are guilty, for they must needs draw their resources from home until they have won sufficient converts. And the blame extends to men who have spent their ministerial revenues on their flocks, and lived upon their private means. Such are the monstrous conclusions to which we are led by the arguments of Dr. Young's essay, and of others on the same side.

That a pastor may legitimately cast himself on the benevolence of his people, we admit. Such an impulse is at all times generous, and there are circumstances, like those of Barnabas, under which it may be ascribed to the operation of the Holy Spirit. But it is nowhere commanded, nor has it been generally practised in any age of the Church. It is a special movement proceeding from extraordinary seasons and extraordinary men. Cases are not likely to be common, and we may be content to admire, without criticising, the rare self-denial which has prompted them. Covetousness is so great and so common

an evil, that to be free from this alone is no mean degree of virtue. Yet human nature is also subject to other evils, of which improvidence is one. As a general rule, it is for the common good that a man should manage his own household affairs thriftily, and not be beholden to others for his support from day to day. Moreover, as a general rule, endowments are of practical use. They serve, like the condenser of a steam engine, to store a reserve of power which makes the action continuous. Voluntary zeal works at high pressure. Sooner or later it flags, and there would be a deplorable waste of energy if its results were suffered to collapse at once. When the years of plenty provide for years of scarcity, the work goes on without interruption. Such a measure of endowment is in harmony with the principles of Christian fellowship, and is not open to any reproach.

Cleared of the mist of fallacy and passion in which it is enveloped, the argument from Scripture against endowments melts away. It is only the phantom of an argument, presenting no substance to be grappled with. Whether endowments be good or bad, is an economical question belonging to a state of things which is not specifically treated in the New Testament. We are warned by Christ of the danger of riches, and this caution applies to corporate as well as to private wealth. But the application of this warning to the revenues of the Church belongs to another time than the present; inasmuch as the English clergy have not on an average a larger stipend than the service of the Church requires (9).

Passing from endowments to the more comprehensive question of Establishment, or connexion with the State, we find again that one single passage of Scripture includes all that is advanced by our opponents, and virtually sums up the controversy. The text which is most vehemently urged against us is the answer which our Lord made to Pilate, as recorded by St. John, (xviii. 36), “ My kingdom is not of this world ; if my kingdom were of this world, then would my servants fight, that I should not be delivered to the Jews ; but now is my kingdom not from hence.”

Never were words uttered more momentous in themselves,

and in the circumstances under which they were spoken. If we have had cause, in discussing the former branch of the subject, to observe a want of sound judgment in the choice which is made of scriptural arguments, there is here no room for any such objection. The words of Christ, just quoted, go plainly to the root of the matter. They express an all-important distinction between the kingdom of Christ and the kingdoms of the world. It is a profound and critical question to determine whether or no the union of Church and State is forbidden by this distinction.

Let us dismiss one plea in favour of Church Establishment, which is plausibly but unfairly based on the word "now," "Now is my kingdom not from hence," as if it should be otherwise hereafter. Grammatical usage requires that the word "now" should be understood of the actual case in opposition to a supposed case: "If my kingdom were of this world." We receive as an absolute utterance of Christ, without conditions of time, "My kingdom is not of this world."

Weighing these words exactly, the first point which calls for observation is that Christ claims for Himself a kingdom, and thereby asserts Himself to be a king. The use of this title by the Son of God has a twofold suggestiveness. In the first instance, to Jewish and heathen ears, it claims for Him the ancient associations of sacredness and majesty which belong to the title of king. But for Christian ears, the same influence of association is reversed. Christ confers a reflected honour on the title which He deigned to assume. The office of king is sanctified anew through being chosen as a symbol of the relation of Christ to his Church. And for this reason it is only right and becoming to speak of kings, as such, with respect for the royal office. Scorn, which is often expressed by Churchmen and others in their dislike of the administration under which they live, is not in any case a proper disposition of mind towards kings and their authority. The ideal of a kingdom is the highest ideal which can be conceived. Un-godly as actual kingdoms often are, it is probable that Christian kings have from time to time approached as near to the character of the ideal King, as Christian priests have ap-

proached to that of the ideal Priest. The highest form of a spiritual society, the perfected Church of Christ, is identical with the perfected Kingdom of Christ. The two kinds of authority, civil and ecclesiastical, flow from the same heavenly source, and tend to the same heavenly consummation.

But Christ's kingdom is distinguished from all others, as "not of this world." Literally these words assert that the origin of Christ's kingdom is not from this world; they imply, however, that its character as well as its origin is different from that of this world's kingdoms. That the kingdom of Christ has its origin from the immediate and special authority of God is certainly true; but what is practically even more important is, that the character of His kingdom corresponds with its heavenly origin. It is a spiritual kingdom. Its sovereign, its laws, its hopes, its penalties, its whole constitution in short is spiritual. It has no limits of space, nor of time. In these and similar respects it is "not of this world."

Such being the character of Christ's kingdom, the vital question is, "Can this kingdom subsist in harmony with the kingdoms of this world, under any circumstances?" Pilate was the first to pronounce upon this question. He of all men had most cause to decide that the two were incompatible. The responsibility of his office as a civil governor, and the jealousy of a rival power which Rome was always prone to entertain, were joined in his case with a personal desire to buy popularity. Yet his condemnation of Christ was extorted from him against his better judgment. His deliberate sentence was, "I find no fault in this Man." It is also evident that our Lord himself admitted Pilate's authority to be from God, though misused in its exercise. He said to him, "Thou couldest have no power at all against me, except it were given thee from above; therefore he that delivered me unto thee hath the greater sin." The iniquity of the prosecutors and the judge did not vitiate the authority of the law, within its proper limits. In this memorable instance, as well as in the epistles of St. Paul and St. Peter, we see a heathen and persecuting power recognised as the ordinance of God. Secular authority, even in the extreme case of the Roman Empire, carries with it

a divine sanction, and is therefore not utterly incompatible with the heavenly kingdom which Christ announced. And if we look onward, from the beginning of the Gospel to its close, we see a vision of the kingdoms of the world becoming the kingdoms of Christ. Thus at either extremity of the scale of human progress, the kingdom of Christ, though not of this world, recognises the kingdoms of this world. Our present lot is to live under a constitution which is intermediate between the two extremes. Nations have embraced Christianity, but are not thoroughly penetrated by the spirit of Christ. "The Church" and "the world" are no longer in sharp antithesis, as in the days of the apostles; nor yet in perfect harmony, as in Apocalyptic visions of the future.

To assume that the English nation is Christian is a partial view, inconsistent with many facts. To assume that it is not Christian is inconsistent with many other facts. The same difficulty arises in estimating the character of an individual soul, from the mixture of motives at work; yet in practice one alternative or the other must be taken. On the whole, we venture to consider England as part of Christendom; not that we are blind to the necessary qualifications to which this general truth is subject, but that the national shortcomings as to Christianity are only such as are found in every human society, whether State or Church. No Church has been kept so pure as to fulfil the vital condition of holiness unimpaired. At the best it has been a mingled body, and the scandals have increased in proportion as time and numbers have added to the record. Among the apostles there was a Judas. Among the first deacons there was a Nicolas. The Churches to which St. Paul wrote were tainted by the common vices of the world. The character of many conspicuous men in the age of the Councils was infamous; and few criminals of our gaols are so vile as some of the popes have been. These cases are historical; but a similar mixture of good and evil prevails in the obscurer circles of Christian society. Numberless little sects which have separated from the National Church to secure for themselves unalloyed purity of life and doctrine, have the same tale to tell: how the brethren have been scandalised by the

spirit of the world intruding among them ; how the most trusted of their number has proved himself masterful, self-indulgent, perhaps immoral ; how divisions have rent asunder the bonds of charity, and men who lately honoured each other, as full of spiritual grace, have turned to bitter wrangling and denunciation. Everywhere the wheat and the tares are found intermingled. That parable has been, from the time of the Donatists, the main answer of the Church to those who aspire to a premature accomplishment of Christ's kingdom on earth. The kingdom of Christ is already in the world, wherever His name is acknowledged as a principle of holiness, justice, and mercy. Its perfect fulfilment is not yet, but hitherto its progress has been advanced, not retarded, by the National Establishment of religion.

We are told, however, as a conclusive objection, that the Church of the apostles was not established. The answer is suggested in another parable of our Lord's. When He compared the kingdom of heaven to a grain of mustard seed, He taught that the Church had yet to grow, and manifest new forms of organisation. In no respect was the Church of the apostles complete : in numbers, in distribution over the world, in its scheme of government, it was limited by the circumstances of its origin. It contained the germs of the Universal Church, but undeveloped. One element of the mystery of God's grace is Time, and according to the natural order of growth, it was many years before the Church could become ripe for public recognition and establishment. How could it be imagined that the religion of a few peaceful men and women, scattered in groups over the wide space of the Roman Empire, should be established by law ? Humanly speaking, it was impossible ; and we have reason to acknowledge the wise providence of God in the actual spread of the Church. If the power of Christ had been put forth according to His own saying, by the help of legions of angels, it would have had no deep spiritual root. If the sword of Peter had been as the sword of Mahomet, and established Christianity by force of arms from Gibraltar to Delhi, the kingdom of Christ would have missed the more signal triumph by which it is proved to

be "not of this world." It pleased God to prepare for the Church in its weakness a victory which illustrates its divine mission. The mightiest of empires, in the period of its undiminished majesty, was overcome by the spiritual force of truth and holiness. The civil power learned to acknowledge the superior authority of Christ, before offering its resources to confirm and extend His dominion. If the Gospel had owed its success to worldly means in the first instance, it would have lost the opportunity of manifesting its claim to be the eternal truth of God. Alone and unaided, it won its way against the philosophical intellect of Greece and the imperial power of Rome. Having conquered these, the Church had a right to use them as its servants. That they have been rebellious servants is not to be disputed. From the first there has been in these two quarters a standing danger to the faith. Philosophy has rebelled continually against the supremacy of divine revelation. Policy has no less rebelled against divine law. The Church has thus been exposed to Gnosticism and to Cæsarism; yet these dangers, great as they are, are dangers which every religious society has to encounter, dangers inherent in the constitution of man. A similar conflict has to be carried on by every one within his own soul. The intellect and the will contest the higher inspirations of the spirit. Yet we do not entertain the monstrous thought of dis severing soul from body, in order to keep the soul pure. Nor should we take refuge from dangers to the Church by the moral suicide of parting Church from State.

What has been said has reference exclusively to the New Testament. For it is from the New Testament alone that arguments have been drawn against Church Establishments. The Old Testament is altogether so manifestly in favour of a close connexion between Church and State, that our adversaries use every means to invalidate its authority or its application to Christian society. St. Paul, as we have seen, does otherwise, when he appeals to the Mosaic law on the support of ministers. So does the writer of the Epistle to the Hebrews, when he applies to Christ the prophecy, "Thou art a priest for ever after the order of Melchizedek." So does our

Lord himself, in the sentence which sums up a large portion of the Sermon on the Mount, "Think not that I am come to destroy the law or the prophets: I am not come to destroy, but to fulfil." From this sentence we conclude the precedents of the Old Testament to be good under the New, when due allowance is made for the elementary character of the former. Only that is to be accounted obsolete, which bears the evidence of being local or temporary, adapted to the uninformed conscience of a barbarous or half-barbarous people. And even in these portions of the Mosaic law may be found the traces of a more perfect order of government. Ordinances which were only for a limited period, were divinely instituted for that period, and are therefore of permanent value so far as they illustrate a principle. This is especially the case in matters concerning which the New Testament is silent. Here the Old Testament is full of instruction; for the minds of the primitive Christians were of necessity imbued with its lessons. They required the authority of a new revelation to supersede the doctrines which they had gathered from the law and the prophets. In the absence of direct teaching to the contrary, they would naturally fall back on the political ideas which Jewish history suggested. The Church in the wilderness under Moses, and the State under Solomon, are examples which could not fail to engage their attention. These are among the most conspicuous of the lessons concerning which St. Paul said, "Whatsoever things were written aforetime were written for our learning." They may fairly be supposed to foreshadow in some measure the polity of the kingdom of Christ. On those who reject the analogy of the Jewish relations of Church and State lies the heavy burden of proof, to explain why so obvious an analogy should not be heeded.

Yet on this point the Nonconformist writers are most unsatisfactory. The pious and venerated John Angell James has nothing to say but a burst of impatience:

"As to the argument which is founded on the constitution of the Jewish theocracy, we consider it so irrelevant and inapplicable, that the very attempt to bring it forward in support of a Christian institute betrays at once the weakness of the

cause. We view the theocracy as altogether a divine institute, which, when it was set aside by the coming of Christ, was never designed to be imitated, and is altogether incapable of imitation."

The writer of these sentences cannot possibly have reflected how much is involved in them ; for they set aside the authority of Holy Scripture to an extent which is fatal to belief in its use as divinely inspired. According to this view nearly half the Bible needs to be cancelled in the Christian Church. The historical books are to be regarded not only as unprofitable, but as actually misleading, on a question so vital that of late years it has been the chief point at issue between Churchmen and Nonconformists. It has been argued by some writers, such as Dr. Wardlaw, that the miraculous incidents of the Old Dispensation unfit it for a parallel. Yet this ground of distinction, which would go far to leave the Bible useless for example, is altogether untenable. Miracles do not make a history less instructive, but more so. Their effect is not to reverse moral principles, but to affirm them with special emphasis. The thunders and lightnings of Mount Sinai enforced in a signal manner the enduring authority of the Decalogue. The miracles of Christ made the example of His patience and charity all the more impressive. On the whole, then, we are justified in appealing to the Old Testament as illustrating, under certain conditions, the mind of God on this subject. And if so, the argument from Scripture is completely, even superabundantly, in favour of the Union of Church and State. We also gather from the Old Testament a warrant for the language in which we speak of our nation as a Christian nation. The children of Israel were called a holy people, both in the wilderness and afterwards, notwithstanding their sins. Holiness is predicated of them, not according to the circumscribed rule of a monastic order, but in a large and merciful sense, which may also fairly be applied to a National Church.

Real service has been done by Nonconformist writers, through their firm assertion of the spiritual character of the Church of Christ, and through their earnest insistence on the graces which belong to personal sanctification. But they have

been led by a narrow theology away from the teaching of Scripture, when they have held that the Church, instead of leavening the world, should stand aloof from the world in selfish isolation. Nothing however is more conspicuous in the 'Standard Essays' republished by the Liberation Society, than the absence of the most eminent names of the Nonconformist body. Those patriarchal men whose authority stands highest, Baxter and Owen, Howe and Henry, and Doddridge, found nothing in Scripture to condemn the union of Church and State, but the contrary.\* The impetuous zeal of Wesley and Whitefield for the revival of spiritual religion was not for a moment led astray by any desire to separate the Church from the State. The object of these genuine reformers was to amend and purify, not to destroy. That Holy Scripture sanctions or favours disestablishment is an afterthought of modern controversy, not deeply fixed in the minds even of those who wish to believe it true.

\* 'Essays on the Church,' pp. 18, 45 (Seventh Edition, 1859).

## CHAPTER III.

## PRINCIPLES OF CHURCH ESTABLISHMENT.

It will be convenient to define, more strictly than has been attempted in the preceding chapters, the term Establishment. In regarding the precedents of history, and the testimony of Holy Scripture, the word must be used somewhat vaguely to denote any kind of sanction given to the Church by the State; but the judgment to be passed on the actual Church Establishment of our land must depend on the measure and form of sanction which is given under our laws.

Three degrees of Establishment are clearly distinguishable.

1. The first is when conformity to the religion approved by the State is enforced by penalties of greater or less severity; whether it be by fire and sword, as in the Middle Ages, or by pillory and torture, as under the House of Stuart, or by civil disabilities, as under the House of Hanover.

2. The second is, when rates are levied upon the whole nation for the support of the Established Church. Nonconformists are tolerated under this scheme in the exercise of their worship, but they have no special exemption from the duty of maintaining the Church, which is placed on the footing of a civil obligation like the maintenance of the army or navy. Their dissent is simply ignored. In the eye of the law they are still Churchmen, bound to take their share in the legal responsibilities of Churchmen.

3. The third degree of Establishment consists in the public recognition by the State of one particular religion without rates or penalties to Nonconformists. For instance: that the solemn acts of the State should be accompanied by public acts of worship; that the chief ministers of the Church should hold,

in virtue of their office, a certain political or local dignity, are effects of the establishment of any religion. The simple “F. D.” on the coinage, the seats of the bishops in the House of Lords, the titles of the beneficed clergy derived from their parishes, “Rector of A,” “Vicar of B,” are symbols of this, the mildest form of Establishment. This does not of necessity imply endowment; but in general the two are connected. An indefinite portion of the endowments of the Church have accrued from its position as recognised by the State, though not conferred by the State (10).

In Establishments of the first of these three kinds, where Nonconformists are persecuted, the liberties of conscience for each individual are sacrificed to the order of the State, or the will of the sovereign.

In Establishments of the second kind, where Nonconformists are taxed but tolerated in matters of religion, the rights of the State and the individual may be considered as equitably balanced, provided that the terms of communion with the Church are not so restricted as to become a hardship.

In Establishments of the third kind, such as the Church of England at the present day, where Nonconformists are exempted from contributions to the Church, and the Church retains only its ancient dignities and endowments, the scale turns to the side of private self-will against public duty. Evenhanded justice is not satisfied under this system, from the prominence which it gives to the claims of a capricious conscience above the rights of civil society. There is nevertheless much in the nature of the case to be considered indulgently. The zealous sectaries who refused Church rates, but built chapels of their own, cannot be regarded as altogether bad citizens. So it was felt by many, not long since, who insisted on the rightfulness of Church rates, but refrained from exacting them from their Nonconformist neighbours.

We confine our view therefore, in this essay, to the moderate form of establishment which actually exists in England. Persecution on behalf of the Church we renounce as unjust. Taxation on behalf of the Church we forego, as liable in some cases to be unmerciful. What we contend for is no more than

justice and mercy combine to approve: the maintenance of the National Church in its undisputed legal rights, in order that it may continue as heretofore to represent the nation in public solemnities of worship, and superintend the religious education of the people. Assuming that there is in England a Church truly national, an assumption to be discussed more fully in another chapter, this Church is not to be separated from the State without serious degradation to the State, and injury to society in general. Already there is a tendency in England to sacrifice public interests to individual freedom. The permanent welfare of the community is too much subjected to the agitation of factions, and would sink yet lower beneath the ephemeral currents of public opinion if the moderating influence of the Church were diminished. For the Church is the great conservator of liberty and order combined: it represents the principle of order in opposition to anarchy, the principle of liberty in opposition to despotism. In either case it hallows by divine sanctions the cause of right against might. Its influence, brought to bear on high and low throughout the nation, acts like a conscience to a violent man. Such is the proper function of the Church. Doubtless it has been imperfectly fulfilled; but there is no other element of society which can fulfil the same office, even imperfectly.

The common language and opinion of mankind agrees to recognise a kind of personality in a State. When we speak of any State, we think, not of a mere multitude of human beings casually inhabiting the same neighbourhood, like people at a fair, but of an organised society, which has a corporate character, and many of the attributes of personal existence. The sentiment of patriotism depends altogether on this idea of personality, sometimes fancifully associated with the soil, but more justly ascribed to the people. Kindred blood, community of soil and climate, laws and language, participation in certain national glories and disasters, all combine to form a bond of fellowship resembling that of a family. Even where a few of these conditions are found, the effect is manifest. The Jews, holding tenaciously to their sacred race and writings, are one people, though scattered homeless over the world. The

Swiss, bound together by the magnetic charm of their land, continue one people, though divided in language. The English, by their language, history and laws, preserve an identity of national character, notwithstanding the admixture of foreign blood, and their world-wide settlements abroad. The stronger elements assimilate the weaker, and the people continues one. To the eye of a stranger from Moscow or even from Paris, the English nation has a specific character, like the character of one man. Among the elements of which this national life is composed, and from which it takes its peculiar quality for each nation, a very important place belongs to public institutions. What the nation does in its corporate acts as a State has a deep influence on the character of the people, both publicly and privately. Hence the religious character of the nation depends on the public acknowledgment of religion by the State. What civil society becomes, without any public religious profession, may be seen beyond the Atlantic. There, favoured by an exuberant fertility of soil, and by a noble race of colonists, material prosperity has been abundant ; but there has been a deplorable disunion, confusion and recklessness as to spiritual life. It is not very difficult to imagine what would be the result on the old soil to Britain. A case which is in some respects parallel is familiar to us :—The City of London is an example of a wealthy and civilised community, with its own magistrates and police, and with many of the functions of a sovereign State. It happens also to have within its bounds a richly endowed cathedral. Here the civil and ecclesiastical powers are independent of each other ; the Lord Mayor of London and the Bishop of London have their spheres of duty so distinct, that they could hardly be more so if the Church and State were separate. We might conceive the whole empire subsisting and flourishing under similar conditions. But such a conception, to be realised, must correspond in other respects with the peculiar and restricted sovereignty which belongs to the City. We cannot but observe that the City of London is far from possessing the real power of which it bears the outward signs. Practically it is a mere district. Its most eminent citizens give their minds to other than civic questions.

The municipal government is carried on under the restraint of public opinion, which would not be slow to abolish the entire constitution for any serious abuse of power. Such, on a larger scale, would be the position of a State which had no interest in the conscience of the citizens. However thriving it might be while it existed, it would exist only on sufferance ; the real governing power would be external to it ; the soul of the people would find expression in other ways apart from the organisation of the State, and without its control ; there would be little or no feeling of loyalty to uphold it against the winds of popular faction ; political power would be little esteemed, and declined by the worthiest men. A movement in this direction may be traced among the undercurrents of the world. It is compounded of two forces, epicurean selfishness which disdains all but private interests, and Christian charity, which expands its wide sympathy beyond the limits of the nation. Selfishness and charity coalesce so far as to make civilised men cosmopolitan ; but the better motive needs to sustain its life by cherishing the simple affections which are bred in the narrower circle of home. A liberality of mind which is Christian and not selfish, will hold fast by the sentiments of honour and love which find their first object in the family, and their second in the State. True Catholic charity is the matured fruit of filial and brotherly affection, of loyalty and of patriotism.

Those writers who have had the highest ideas of human nature and society have ever maintained that the body politic should have a religious character. Not only those who follow the continuous traditions of the past, but philosophers and large-minded men, such as Burke, Coleridge, and Arnold (11), exposed to the excitement of modern theories, have persisted in regarding the Church as inseparable from the State. If the State may be conceived as having any corporate existence, analogous to the life of an individual ; if it is a real object of reverence and affection, having also, for its part, duties to its members, to other States, and to God ; then the public profession of religious faith, and solemn acts of prayer and praise, follow naturally from such a conception. And if the State

may not be conceived thus with any truth, the philosophy of life is reduced to selfishness.

But it may be fairly contended that the analogy between the State and an individual person is not adequate to represent the whole truth, although it represents truly one aspect of the State, and that the most important of all. We have to regard the State from another point of view, not as comprising its individual members, but as distinguished from them; that is, as a governing power with limited functions. In this view we must consider how far it is for the general welfare that an official control and superintendence should be exercised by the government over the people in favour of religion. From this point of view the question is examined in Warburton's celebrated treatise. The popular definition of an Establishment which is given by Paley rests upon a similar conception of the State as a power external to the Church.

"The notion of a religious Establishment comprehends three things:—a clergy, or an order of men secluded from other professions to attend upon the offices of religion; a legal provision for the maintenance of the clergy; and the confining of that provision to the teachers of a particular sect of Christianity."

It may be shown, on grounds of practical expediency, that such an Establishment is desirable. Descending from the high contemplative view of ideal perfection to the palpable needs of society as it is, we have reason enough to defend a Church Establishment. The lowest estimate of the functions of the State will allow that the civil power should undertake whatever the public interest requires it to undertake. If it can be shown that the promotion of Christian faith and morals is aided by an Established Church, that is a good argument in favour of establishment, even though it were proved that Church and State had no essential connection with each other. Like the management of Telegraphs by the Post Office, the maintenance of the clergy might be undertaken by the civil power as a work in excess of its proper functions, on the ground of mere utility. Nor can this argument be resisted. The usual answer, that the voluntary system works better, is at variance with facts on the whole, though choice instances

gathered from a large field may be adduced to support it. In prosperous communities the voluntary system does wonders, drawing into its service all the eager spirits whom independence in taste or opinion makes impatient of control. But the world has never yet seen a people capable of free religious devotion, through all classes, and for a length of time. High as the standard of spiritual life may be raised in the better sort, there is always an immense majority with whom exalted motives are ineffectual. For this majority it is necessary that the force of truth should be supplemented by the force of authority or custom. Their nature inclines them to a kind of pupilage : they must needs, by the quality of their own minds, accept the direction of others ; morally they live in servitude, however proud of their imaginary freedom they may be ; custom, or law, or public opinion, or some influence more peculiar to themselves, constrains their will. It is in vain that measures are taken to emancipate them ; such measures only flatter them into the semblance of a liberty which they cannot have, nor even endure if they had it. Among the finest minds there are not a few who crave for the strong arm of authority to lean upon ; and the multitude are still more absolutely, though unconsciously, dependent on external influences, religious or political. Hence they fare best, when they can associate the dignity and majesty of the State with the spiritual authority of the word of God. Common minds can receive, through an Established Church, what they cannot receive at first hand on its own merits. They recognise truth only when it is commended to them by valid authority. Without the energy to think for themselves, they have discernment enough to appreciate the value of truth when it has been brought home to their conscience by the law of the land (12).

To be subject to the moral influence of authority is no sign of extraordinary weakness. It is the normal state of man, and the chief means by which the highest type of character is formed. Our universities and public schools are valued for a certain tone or *ἦθος*, which is impressed on their scholars by force of habit. Their intellectual and social rules are obeyed at first reluctantly, then freely, and at last with a generous pride like

a soldier's pride in his profession. Such discipline does much more to develop the powers of the mind than to cramp them. Here and there may be found one whose genius has been quelled or stiffened by the routine of academical training. But by far the greater number of scholars would have been nothing without it. There is not in them the native energy of will that a self-taught man must have to carry him through. They could not have discovered, still less adopted, the processes which were necessary to form their mind and character, and which are brought insensibly to bear upon them, under the system of a public school. Were it not for this kind of moral influence, in which the principles of liberty and order are happily combined, society would be made up of a few men of extraordinary mental power in the midst of a crowd of dunces, as it was in the sixteenth century.

A similar tone, religious, intellectual, and social, is diffused throughout the land by means of an Established Church. Wherever a parish church stands, there is a centre of spiritual light and warmth (13). The fabric, with open doors that give welcome to rich and poor, bearing witness in its architecture to the piety of many generations: the churchyard, where the parents and kindred of the parishioners are laid in common hope of resurrection: the parsonage, where every neighbour can find sympathy and counsel, and from which goes forth, not seldom, an example of the highest manly and womanly culture to civilise the homes of the peasantry in detail: the school, where is learned not only the discipline and scholarship which belong to school education, but also a refinement of manners and rectitude of moral feeling which are imparted through personal intercourse with the squire's or parson's family: all these influences, multiplied by ten thousand, are due mainly to the position of the Church as a national establishment. Moreover, besides these, there are examples of the beauty of holiness in Cathedral Churches, which are all the more impressive as embodying the religion of the nation. For, while the few who think deeply adhere to the Church as a true branch of Christ's universal Church, the many are disposed rather to venerate the Church as national. If the national connexion

were severed, the purest faith and sanctity would have comparatively little recognition from the multitude. An Established Church stands fully exhibited to the nation. Both its virtues and its flaws are seen in focus.

Moreover, an Established Church is to be valued for the evil it hinders. Religion has so strong a hold of the human soul that no society can live without it. Men will eagerly embrace a counterfeit of the truth rather than have a blank before them. They must have some bond of union with the Infinite. The aberrations of the many sects of America illustrate the need that is felt for some authoritative standard of religious truth. There men and women grow up without any established form of worship that claims as a matter of course their spiritual allegiance. Hence it often happens that their soul is awakened, for the first time, by the glowing eloquence of a teacher, who has no title to respect beyond his eloquence, but who seems to them divinely inspired. The spiritual life which belongs to the gospel of Christ they learn to ascribe to a garbled version of it, for want of better knowledge. The grace which belongs to the Church of Christ they ascribe to the sect in which their religious sentiments have been developed. Thus, for the want of a sound form of training, by which the elements of religious knowledge are sown broadcast over the land, and become in a measure the common heritage of all, many fall victims to the wildest fanaticism and the grossest imposture.

It is true that Established Churches also are swayed at times by fanatical impulses. No State authority can keep men safe from the errors of human nature, nor elevate the Church above the standard of its own members. What can be done by means of an Establishment is, not to make good men better, or wise men wiser, but to make bad men less bad, ignorant men less ignorant: to spread widely the knowledge and example which is most beneficial: to bring the mass of mankind more nearly to the level of their worthiest brethren; to accumulate on the side of truth the moral forces of custom, law, and public opinion, for the help of those to whom the love of truth, for its own sake alone, is an insufficient motive. Freedom is the

highest spiritual state ; and so far there is reason in the saying often urged, that religion must be free. But human nature cannot attain to the highest state at one bound. For the development of spiritual freedom many stages must be gone through, in which various kinds of restraint, control, and guidance are necessary. Man cannot be free, in a proper sense, unless he is trained to the government of himself, and enlightened so as to discern truth and falsehood. His approach to freedom is best made by such a well-regulated discipline as braces and opens the mind, counterbalancing, without annulling, the effect of nature and circumstances. It is no paradox to say that the Established Church in our land is more free than the so-called voluntary churches. They are bound in general by restraints which are more galling and oppressive for being undefined. The theology of the ministers is all the less free for being without a regular standard of doctrines. The contributions of the members are all the less free, for the strictness with which moral coercion is brought to bear upon them, to extort a payment, rated in fact upon their means, though called voluntary, and levied by a society which is irresponsible to the law. The Established Church, far from being a hindrance to the liberty of the subject, is open rather to the blame of being too free ; that is, of exercising too little constraint upon private will for the general good. But its laxity of discipline is so much in harmony with the spirit of the age, that most men will not find fault with it on this account.

Whether the Church in its spiritual character gains by being established is more open to question. The advantages are less obvious, and they are accompanied by real dangers. Establishment cannot confer on the Church the Divine grace on which its existence as a Church depends, nor can it preserve its members from religious and moral decay. In these essential respects, the Church must look up to her heavenly Lord alone. To lean upon any secular power would bring abasement upon her as a society, lowering the standard of holiness in all things. Both in a moral and in a literal sense, loyalty to Christ forbids the burning of incense on the altar of Cæsar. But when the Church is at liberty to fulfil her office without

oppressive interference from the civil power, the benefits of establishment are of a degree only second to the very highest.

There is the advantage of publicity. State authority gives to the Church opportunities of making her message known, which she could not obtain for herself. What would not the teachers of any new doctrine give for leave to expound their tenets, week by week, to an auditory of the wisest and mightiest in the land, composed in reverent attention? Another advantage of the same kind is the access which is given to the clergy, in virtue of their office, to all classes of society. The fixed lines of social exclusiveness give way to admit the ministers of a religion which is recognised by the highest public sanctions. In every department of their duty they have free scope. A hearing such as St. Paul thought himself happy to win from Felix and Agrippa is obtained with facility even by the subordinate ministers of an Established Church.

The system of parochial endowment serves also to assist the Church in carrying out the Gospel into every corner of the land. The most inhospitable districts do not fail of a resident clergyman. Moors and swamps which no landlord will inhabit, squalid poverty-stricken suburbs, where no sect can obtain a footing, find in their midst a parish church and pastor. This result has sprung in many cases from devotion to the Church as Christ's Church; but in many more, where the work and its value are less conspicuous, the dignity of a national position, and the provision of an endowment, strengthen weak hands for a task which would otherwise be left undone. It was said in France, by an acute observer of human nature and society, "To deprive the clergy of State emolument is to shut the door of the Church against the poor."

At certain seasons the zeal of the clergy and people has done much to belie this aphorism. But that very zeal has its deficiencies which an Established Church is qualified to supply. Sound judgment, profound learning, high culture, are qualities which zealots are apt to neglect; and these are qualities which the Church needs. Her mission is not only to announce revealed truth, but to watch over the progress of the world, and leaven each phase of civilisation by the spirit of Christ. For

this duty wisdom is of equal importance with zeal; and wisdom is in an eminent degree fostered and disseminated by the organisation of a Church Establishment. In a land like ours, where the connexion of Church and State is interwoven with the ancient laws and all the social life of the people, the dangers of this connexion are at the least, and its advantages at the greatest. An Established Church which is neither subject to tyranny on the part of the sovereign, nor on that of the mob, is a blessing to the nation, and in the most favourable position for the fulfilment of its own spiritual office to the promotion of the kingdom of Christ. One of the American bishops, distinguished for eloquence among his own eloquent nation, gave lately to a vast audience in England this solemn counsel:

“ You stand in a grand and noble position in this country. You have a Church, a grand, recognised, Established Church. While it is the last thing I would ask for in my country, I should, if I were residing in England, fight to the moral death to sustain it.” \*

\* Speech of the Bishop of Illinois at the Wolverhampton Church Congress, 1867.

## CHAPTER IV.

## DISESTABLISHMENT.

HOSTILITY to an Established Church is prompted by the most various motives, and enlists in a common cause men whose opinions on all other points are vehemently opposed to each other. There are radical enemies of every form of religious belief, whose ideas correspond with the frank utterances of *Lucretius*,

*"Tantum religio potuit suadere malorum,"*

thinking deliberately that on the whole religion does mankind more harm than good. There are also rivals, who cannot endure to witness the political and social privileges of the Church. There are selfish reformers, who hope to gain some private advantage through abolition of those privileges. There are ambitious Churchmen, who wish in all things to exalt ecclesiastical authority, and are not content with the position of dependence in which the clergy stand towards the sovereign. There are also pure-minded enthusiasts, who honestly desire to save religion from the secular influences which flow from connexion with the State. All these classes, with different and irreconcilable aims, are conjoined in the temporary policy of severing Church from State. Disciples of Voltaire, and disciples of St. Francis, ecclesiastics like Hildebrand, and politicians like Henry VIII., are brought together with Nonconformists of a more modern type, in an unholy coalition. The principles on which they argue are mutually destructive, but their votes are given on the same side. They are more utterly alien from each other than from the Church, but the superior eminence of the Church makes it the object of their special attention and attack.

We may conveniently distinguish the leading objections to an Established Church by the terms Catholic, Protestant, and Philosophical, respectively; terms which are descriptive enough, and so favourable that they may be accepted as fair by their advocates.

What may be termed the Catholic objection is based on an idea which has come down from mediæval times. Setting aside corrupt elements, this idea is the noble conception of One Universal Church, governed by its own permanent laws without national distinctions. It is this which agitated Oxford thirty years ago, on the foundation of the Jerusalem bispopic (14). In theory, it is nothing more or less than the assertion of Christ's universal kingdom. In practice, however, it is very different. It has always hitherto signified the domination of the clergy over the laity. So it was felt already in the days of Dante, by men like him;

“The Church of Rome,  
Mixing two governments that ill assort,  
Hath missed her footing.” \*

Those who nominally were contending for the spiritual authority of Christ were really contending for the temporal power of the Pope. As to the laws of Christ, which are truly the laws of His holy Catholic Church, the precepts of the Sermon on the Mount, for instance, they have never been at issue. The dispute between civil and ecclesiastical powers turns on rights of local jurisdiction, patronage, &c., which arise out of the mixed condition of a spiritual society holding temporal rank and property. In cases like these, the objectors to Royal Supremacy can hardly fail to resort to the alternative of Papal supremacy. Christendom is too deeply pledged to one or other of these two alternatives, to give much acceptance to a third, that of an international free Catholicism which would be a lawless selection of doctrines and usages from the vast storehouse of antiquity. Hitherto, at least, the government of the English Church has given no just occasion to those who love truth and righteousness to seek them elsewhere. That

\* *Purgatorio*, Cant. xvi. Cary's Translation

impatience of the mild constraint of Anglicanism should drive men, who love truth, to submit their minds to the bondage and falsehood of Rome, is deplorable. Not less deplorable is the illusion which leads others to renounce their allegiance to their sovereign and their bishop, under the pretext of loyalty to they know not what. Most of those who oppose themselves to the connexion of Church and State on what are termed Catholic principles, have no distinct idea of the object at which they aim instead. They disclaim for themselves the purpose of reconciliation with Rome. Yet, upon any other supposition, their course is made up of inconsistencies. Professing extraordinary reverence for authority, they are nevertheless conspicuous, in fact, for scornful defiance of the powers that be. Professing to adhere to the uniform practice of old, their way is marked, on the contrary, by ceaseless novelty and change. Their watchwords, "Catholic" and "Unity," are as much as possible reversed in their actual conduct. They drift on a current of fashion which is fed, like other fashions, by excitement, and is none the less worldly for claiming to be not of this world. Such contradiction between doctrine and practice marks a state of transition. Whenever the ferment subsides, it will be seen that the Church of England, though far short of ideal perfection, has still a paramount claim to the reverence and obedience of her sons, as the national branch of the Church Universal.

A second objection to the principle of a national Established Church has grown out of the great protest of the Reformation, and may be termed the Protestant objection. Its root-idea is religious liberty, an idea which stands in distinct antagonism to the former. The full development of this view is exhibited in the prose works of Milton. It is nothing short of the spiritual equality of all men, in opposition to every claim of authority or ascendancy. We shall hardly do justice to this principle if we fail to recognise in it, as in the Catholic principle, a sublime ideal truth. Degrees of order in the Church sink into insignificance when compared with the dignity of each individual Christian soul as an inheritor of the kingdom of heaven. Yet the welfare of each individual soul requires that

the Church should be duly organised, and that its degrees of order should be observed. Religious independence has rarely been expressed in a more questionable form than in a recent address, in which it is stated that in matters of religion “every thing must be left between man and his Maker.” This is the first of a series of objections to a Church Establishment lately issued by a Working Man’s Committee. Not only State interference but Church fellowship is excluded by the terms of this objection. A religion in which everything was left between man and his Maker would be a faith without a Church. Such a scheme could never be realised. Religion is not a solitary but a social bond of duty (15). The same faith which binds man to his Maker binds him also to his fellow-man. Religious men have, with rare exceptions, felt it a spiritual necessity to join together in visible fellowship. If they have dissented from the National Church they have framed a scheme of their own; and the smallest sects have exercised a more than ordinary control over their members. Formerly, religious independence was associated with exemplary zeal for purity of faith and holy living; but of late there has been a decline of its better characteristics. At the Nonconformist Conference held at Manchester in January 1872, it was resolved to oppose the Church even at the sacrifice of the Bible. The ancient loyalty of Nonconformists to Holy Scripture wavers in the prospect of taking from the hands of the Church of England her well-earned control of national education. The Bible was all in all to them. Education was a matter of comparative indifference. Now, however, the friends of the Bible and of religious liberty have become enemies to both, and advocates of secular education, under the passing influence of a spirit of faction (16).

A third leading objection, or ground of objection, to religious establishments, may be termed Philosophical. It is the result of that extensive intellectual movement which came to a head in the French Revolution. Since then the movement has progressed with a less perceptible flow. What was an avalanche has become a glacier. It is not so much the establishment of religion, as the dogmas of religion, which this class

of objectors desire to sweep away. Between dogma and philosophy there is a natural antagonism (17). Here again in fairness we must observe that the principle of philosophy—search for truth—is a grand and sacred principle. The ultimate object of honest truth-seeking is the Alpha and Omega of all things, the true and living God. But man is not all intellect. We must feel and act, and wherever feeling or action takes place, the state of inquiring doubt ceases for the time. Every impulse of affection, every exercise of the will, is a departure from the purely philosophical spirit. Philosophers object to the Church that it closes questions which they wish to keep open. If, however, they begin to educate, they too must suspend inquiry. They must assume certain principles and teach them as dogmas, leaving arguments to a later stage. Secular education is a system in which a secular theory is inculcated as a religion; that is, inculcated as a supreme rule of life, and taught dogmatically. For no teacher can be silent on the points to which religion applies. Religion is not a voluntary study, which a man may take up or leave at will. It is a necessity of his nature. If he has not a true religion, he will turn to a false one. The mere storing and sorting of facts satisfies no mind, not even that of the eminent philosopher whose theory reduces all knowledge to this. Moral discipline, even more evidently, needs a religious basis to rest upon. To forbid an act as wrong touches the fundamental question of right and wrong. A boy tells a lie, for instance. To flog him is merely to assert the rule of the school against lying. If he is to be treated rationally he must be taught to regard lying as wrong. Here we approach religious ground. A secular reason implies a secular principle of life, a scheme in which secularism holds the place of religion. Thus the adoption of a scheme of education from which religious teaching is excluded is not a neutral course, but a course positively adverse to Christianity. It is a system with a creed of its own, which is not the creed of the Church of Christ (18).

All three classes of objectors, Catholics, Protestants, and Philosophers, are combined for the moment in opposition to the Church of England. Each, however, is hostile to the

Church mainly on account of the large-hearted sympathy which the Church entertains for the principles of the other two. The reverence which the Church has shown towards the principle of Catholic unity tends to alienate both Protestant and Philosophical theorists. Her toleration of private judgment, in which she acts upon the principle of Protestantism, is a grievous offence to the advocates of Catholic antiquity. To Catholics and Protestants alike she appears too open to the innovations of philosophy; while Philosophers on the other hand are displeased by her strict adherence to the text of Scripture. Her high and comprehensive appreciation of all three classes as to their cardinal principles, the love of order, the love of liberty, the love of truth, is resented by each severally. Agreeing in nothing else, they agree to abolish their mediator.

One word only all parties have in common, the word “voluntary.” “Let religion be voluntary” is what they agree to say. The effect of the voluntary system is commonly misunderstood; for its good is paraded ostentatiously, its evil is out of sight. In large and prosperous towns certain select congregations are seen to flourish under it. Thus it stands in the theatrical position of presenting its best front to the public. But it has other results of a less favourable kind. The voluntary system, in the first place, abandons the care of the poor; it undertakes no responsibility as to them. The poor, under that system, would cease to have their present claim as of right to the offices of religion. Whether they were admitted to public worship, whether they received baptism or burial, would depend on the free-will of independent ministers, not on the charitable provision of the law. Such a change would be parallel to a repeal of the Poor Laws, leaving the relief of the destitute to voluntary pity (19). The voluntary system, however fascinating in an abstract form, is in practice a commercial system (20). Its ministers are supported not by piety, but by wealth. The letting of seats is found to be the most effective means of support, and with this view churches are built in the richest neighbourhoods. Often, where a place of worship is already standing in a poor district, the building is shut up, because the richer members

of the congregation have migrated elsewhere, and prefer to build a new chapel near their home. The pastor follows them. So the voluntary system fails in the most palpable test of Christianity: "to the poor the Gospel is preached." Other degrading circumstances attend it. The ministry becomes competitive; and competition, as has been keenly observed, leads to adulteration. The truth of Christ is garbled by the need of preaching acceptable doctrine to a congregation already drawn together by bonds of sectarian prejudice. The pastor is placed in a false relation to his flock; the high character, which should be their example, is tempted to servility; the heart, which should be free to sympathise with the cares of others, is fettered by pecuniary cares of its own; the intellect, which should be exercised in learned studies, is diverted into cultivation of popular arts of rhetoric, which convey no solid instruction.

Here and there such deficiencies may be more than supplied by the sacred fire of genuine love of Christ. And it is much to be desired that the Church should avail herself more largely of voluntary aid as a supplement to the parochial system. Voluntary efforts are full of the energy of youth. What is peculiar to an Established Church is the mature and sober wisdom which is the characteristic of age. Only a partisan spirit, deficient in judgment or in candour, would ascribe all advantages to an Establishment, and deny all to a Free Church. The movements of voluntary enthusiasm stand out as noble protests against the languor and worldliness of Establishments. But in this they are auxiliary, not hostile, forces. By awakening the Church from time to time, they fulfil a mission analogous to that of the prophets of Judah in relation to the priesthood; and if the leaders forget that their function is supplementary to the Church, and assume that they can of themselves form a church, the evils against which they have testified are apt to spring up rapidly in bodies so formed. Love of ease, love of money, love of power, with the passions of envy and discord, take a strong hold of sects, notwithstanding the spiritual aim of the first founders, and soon debase them. The broad daylight and fresh air of public opinion, which in

the Church does much to moderate fantastic opinions and violent passions, is wanting in the confined circle of a sect. Corruptions of doctrine or of life grow unchecked from bad to worse in a self-governed society, whereas the National Church has rallied again and again from what might seem a mortal sickness. The sound common sense of the whole people provides a safeguard against the extravagance with which a dominant party presses any advantage. In the history of Dissent in England it has generally proved, at length, that the fruits of each religious movement in turn have been more beneficial to the Church at large than to the particular sect from which the movements severally took rise.

Adversaries of Church Establishment on theoretical grounds, whether Catholic or Protestant, or Philosophical, are not likely to be numerous, though their ability and zeal makes them formidable. The nation judges fairly between the Church and its rivals, from the common disposition of mankind to take a practical view of things. But there are other arguments more shallow, yet more dangerous, which appeal to popular maxims of prudence and fairness in favour of disestablishment. Two of these require to be examined.

One is the plea, already noticed, that the Voluntary system works best. Stated as a principle, it takes the form of an economical law of Free Trade applied to religious instruction. Voluntary action, it is said, works best in all things. Men can do better for their own interest if left to themselves than the State can do for them. This is the principle which has been elaborated with brilliant results by the author of the 'Wealth of Nations.' But it must be applied with some limitations, or the functions of the State would have no place whatever. The law of supply and demand has some obvious exceptions, and the matter of education is one of the most obvious. Demand of education is least where the need is greatest. Those who are deepest sunk in ignorance are least desirous of knowledge, those who are most inveterate in error are least desirous of correction, those who are most undisciplined are least desirous of discipline. Education must be conveyed in the first instance by superior authority, parental

or national; and this is true in an eminent degree of moral and religious education. Heathens would continue always heathens, if missions were nothing but commercial enterprises depending on their pecuniary success. The very spirit and motive power of Christian missions is foreign to the natural instincts on which political economy relies. Missions are of necessity supported by means of endowments or bounties, and that without hope of return. One cannot but feel the utter inappropriateness of the rule of buying in the cheapest market and selling in the dearest, to the relation of pastor and people. In America the practical consequences of this rule are illustrated in various forms, some of which are sufficiently well known (21).

Another deceptive popular argument against an Established Church is the plea of equality. Why support one religion more than another? The answer necessarily refers to the whole question of the rights of the Church. It requires a complete unrolling of her title-deeds, spiritual and temporal; that is, her spiritual claim to be a genuine and apostolic branch of the Church of Christ, her legal and historical claim to be the Church of the English nation, invested as such with certain dignities and endowments. To these claims full justice cannot be done, except in such treatises as have made them a special subject.\* But the point of the above objection is apart from intricate and controverted questions of theology. It is simply the jealous plea that an Establishment, as such, is a wrong to Nonconformists. On no ground, religious or moral, is this position tenable. An Established Church is on the whole a gain even to those who dissent from it, provided the established doctrines are not utterly unworthy of the respect of the nation. All men who exalt man's soul above his body, all who believe in God, are interested in the establishment of some religion, however earnestly they may desire that their own religion may have the preference. Fanaticism leads men to regard as enemies to their cause those who differ from them in a word or a ceremony. But a larger Christian charity will

\* The spiritual claims of the Church of England are well stated in Dean Goulburn's recent book, 'The Holy Catholic Church,' 1873.

at the least recognise believers in the Holy Trinity, as having the substance of their belief in common. We are bound to strive for the reception of the whole truth and correction of error, even to an iota, and also for the maintenance of sound order and discipline ; but we take a false measure of our duty if we strengthen the enemies of all religion by making war on our religious allies. On such principles, which apply to Churchmen and Dissenters alike, an Established Church is to be regarded as a benefit to every one in the nation. Whether or no they avail themselves of its ministrations, all men are sustained in their profession of Christian faith and duty by the sanction which is given to them through the national Establishment of the Church.

Too much has been claimed by Nonconformists under the sacred name of conscience. Unrestricted liberty of conscience is nothing less than full licence to disobey authority. It tends to become, like the “Corban” of Jewish hypocrites, a means of evading elementary moral duties. The conscience which is most keenly sensitive to its rights is often obtuse as to its obligations. It is to be treated in such cases rather as an infirmity than as an inspiration. Thus when men are found with minds constitutionally incapable of acting in concert with others, dissenters in grain, by temperament more than by persuasion, their scruples may be humoured for the sake of pity or of peace, but not so far as to interfere with justice.

Whatever indulgence may be due to these is wholly undeserved by others, who enviously resent a benefit to their neighbours as an injury to themselves. Although an Established Church is a benefit to the nation at large, and to every individual citizen, it must needs be specially an advantage to those who heartily agree to its doctrines. This special advantage is protested against by some as a wrong, inasmuch as they do not and cannot share it. If the sense of injury in such cases were founded on oppressive restriction of the terms of Church membership, it would claim the sympathy and support of all upright men. But if it is founded on mere envy, that another should have what one has not, it is best refuted by stating it, that it may be dismissed with the instinctive

reprobation which an honourable mind feels for what is base.

An appeal to the rule of equality in favour of disestablishment, cannot stop short there. It extends its pleas to the abolition of every social authority. In principle it is no other than the theory of Communism, which is opposed alike to all disparity of rank and condition. An ideal of this kind has floated before high and generous minds in various ages, and in none more than the present. But history teaches by many a bitter lesson, that premature attempts to raise the condition of one class by levelling that of those which are more favoured, is ruinous to the best interests of all classes and orders of society at once. Revolution in the Church is followed by revolution in the State. The hopeful philanthropy which takes the lead in such movements is very soon overwhelmed by the stormy passions of ambition, covetousness, and revenge ; philosophic reformers are thrust aside by men of sterner stuff, and one step only separates the dream of a reign of Equality from the reality of a reign of Terror.

## CHAPTER V.

## THE CHURCH OF ENGLAND.

APART from the questions of Church polity in general, stands the more limited question whether or no the Church of England, as by law established, ought to be maintained. And in fact a large part of the popular objections to the Established Church are aimed only at the Church of England in its present condition. They relate to details or accidents of the system, not to its essential principles. Arguments against a State Church are seldom heeded unless they are accompanied by instances of practical abuses in the administration. One glaring scandal excites more dangerous hostility against the whole Church, than all that can be said of its imperfection on abstract grounds. Minds which are incapable of grasping the entire subject, fancy that they have mastered it when they have caught hold of any single case which can be supposed to represent its character. If there be found in town or country a clergyman whose mind is out of harmony with the age in which he is living, he is pointed at scornfully as a specimen of the ordinary results of an Established Church. It matters not whether he be before or behind his contemporaries. If he is an aged pluralist, whose wealth contrasts with the poverty of his more active neighbours, or of his own curates, this rare case is brought forward to show how ill preferment is bestowed. If he is a young enthusiast, who has drunk too deeply of the intellectual ferment of the time, the Church is reproached for being too free; and, strange to say, this reproach is echoed by men who glory in religious liberty, and take it for their own party cry. In order that such instances may not bias our judgment, we have to remember that no system administered

by man corresponds with its ideal. Everywhere, in the purest societies, the faults of human nature remain. To be judged fairly, the Church must be measured by the standard not of imaginary but of actual religious bodies.

We may safely affirm, without need of elaborate proof or fear of contradiction, that the Church of England is without a rival in this land, with regard to its claim to the legal sanction of establishment. There is not any other religious society that pretends to surpass it or even to approach it, in such qualifications as a statesman can recognise. No alien Church, as in Ireland, lays claim to nationality as being the Church of the many and the Church of the poor. Even they who dispute the spiritual right of the Church of England must needs acknowledge that she has, beyond comparison, the foremost place in things which do not admit of controversy: in numbers, learning, social influence, political dignity, and the prescriptive title of centuries. Her legal rights date from a time anterior to the English monarchy. The rectors and vicars of the present day are successors in an unbroken line of those who received tithes by the free gift of Saxon landlords, when parishes were marked out under kings of Northumbria, Mercia, and Wessex (22). The Norman Conquest, the Wars of the Roses, the Reformation, the Great Rebellion, swept over the land and shook all the institutions of Church and State, yet each eventually confirmed the Church in its ancient possessions. At the accession of Elizabeth, which was of all moments the most perilous, a wise policy of forbearance made the transition orderly. Only 189 out of 9400 beneficed clergymen were deprived (23). The rest continued their ministrations. Moreover, a large proportion of Dissenters are, in their relation to the Church, emigrants rather than enemies. They have gone forth, as it might be from a land which was too narrow to give their energies free scope. So they have been in many cases Dissenters against their will, leaning at heart towards the Church, regretting their estrangement from her, and desiring to avail themselves on many occasions of her offices. They have chosen to have their marriages solemnised in the parish church, and to have their kindred interred in the consecrated ground of the

churchyard. Probably, if the opinion of Nonconformists could be taken on a fair issue, apart from the excitement of political agitation, the majority would be found in favour of Church Reform rather than Disestablishment.

Nor should it be overlooked, how much the most hostile Dissenters lean unawares on the Established Church. For the doctrines of Protestant Dissenters stand to those of the Church in the relation of a marginal commentary, which loses significance unless it is placed side by side with the text on which it is founded. Take away the Established Church, and the theology of its rivals ceases to have completeness and coherence. On the one hand the Church supplies a standard of orthodoxy, which is accepted on the cardinal points of revealed religion almost as a matter of course. On the other hand, Dissent from the rule of the Church as to certain particulars, forms a bond of union, which would break of itself if there were no Established Church to dissent from. Those who are bent on the disestablishment and destruction of the Church of England would be of another mind, if they clearly defined to themselves their ultimate object. Unhappily a sense of past grievances, and of power to avenge them, inflamed by the heat of political warfare, carries them beyond their true mark.

Thus, while the Established Church has a sufficient right to be accounted National on the strength of its attached members, its claim is strengthened still further by taking its adversaries into account. Within its own bounds it comprises a weight of authority, intelligence, and zeal, which would assert its primacy among the religious bodies of England, even without the official dignity of Establishment; and its wide-spread influence on the surrounding sects makes it in the fullest sense the Church of the Nation. If the liberal measures of the last half century had been passed with the help of the clergy, instead of being passed in spite of them, the Church might have reconciled to herself the greater part of her enemies. For English dissent has mostly sprung from a desire of freedom and self-government, which the Church is now at length prepared to concede, and might long ago have conceded voluntarily without any compromise of principle. Of late the wish

for reconciliation seems to have abated. It is doubtful whether the removal of all the ancient obstacles would avail at the present time to bring back Nonconformists. Perhaps if the door, so long barred and bolted, were thrown wide open, no one would be found outside waiting to enter. Yet, for the sake of a younger generation, which will revolve the whole question afresh with unprejudiced minds, it is of high importance to study the causes which have long repelled from the fellowship of the Church of England men who, nevertheless, honour her as a true branch of the Church of Christ.

They are of two kinds: objections to the Book of Common Prayer, and objections to the government of the Church. Among the former kind a prominent place belongs to the Athanasian Creed. If to this be added certain terms in the offices for Baptism, for Ordination, and for Burial, we shall have enumerated the points which have given rise to the most serious difficulty in the way of Protestant Dissenters.

It may be observed generally of these points of difference, that while the debate turns ostensibly on the force of certain words, there is in the background a principle concerned which is the same throughout. The tenacity with which Churchmen have opposed alteration of the Prayer-Book is due to their perceiving that many questions which appeared on the surface to be verbal, are interwoven with the first elements of faith in Christ. For instance: the Church affirms in the Athanasian Creed that a right faith is necessary to spiritual health; in the Baptismal Office, that a divine grace is conferred in the Sacrament; in the Ordinal, that Holy Orders imply a certain spiritual authority; in the Burial Service, that the hope of the Resurrection is sure. To retract these principles, or efface them, would tend to separate our branch of the Church from all others, ancient and modern, and would undermine the foundations of Christian life. It is of vital importance that Christ's kingdom should be understood to be a society with definite conditions of membership; and that faith in the promises and warnings of the Gospel should not be dissipated into mere utterance of opinion.

Yet the language of our formularies may fairly be said to be

open to misunderstanding. This is especially the case with the Athanasian Creed, not as to its lucid exposition of the Catholic faith, which Christendom substantially accepts, but as to the damning clauses. The penalty of error is laid down with a stringency which is a stumbling-block to many who have not a thought at variance with orthodox doctrine. Few, indeed, who care to measure their language, approve these clauses; however well adapted they may be to convey to uncivilised ears a wholesome general impression. In the words of the present Archbishop of Canterbury, “ Nobody in the Church of England takes them in their plain and literal sense.”\* But the force of words cannot always be measured simply by their literal sense. The meaning which is implied by their use or disuse has to be considered also. If the suppression of the Athanasian Creed is thought to mean a departure from the primitive faith, it will be a greater evil than the retention of language of which antiquity and common consent have moderated the excess.

A question is raised by the use of the word “ regeneration” in Baptism, which in its various forms presents the chief difficulty which is found in the way of united worship. On one side it is maintained that certain spiritual benefits are conferred by means of the Sacraments and similar ordinances. On the other side it is contended that spiritual life must needs be a state of spiritual consciousness; so that a man’s own heart will bear testimony to the grace which he has received. The two opposite views are not inharmonious, if each be wisely interpreted. Only fanatics on either side press their doctrine to a point which necessarily excludes the other. For those who distinguish according to the analogy of nature between birth and self-consciousness, and hold that God’s grace of spiritual life is begun and completed by means of a succession of various influences, both external and internal, there is room in the Church of England, notwithstanding wide differences as to the relative proportion of the two kinds. The memorable judgment of 1846 on this subject has a consistency which

\* Speech in Convocation, February, 1872.

Nonconformists have misunderstood; inasmuch as it gives the utmost latitude to those who are willing to acknowledge, however grudgingly, the reality of Sacramental grace.

A similar question arises in regard to the power of Absolution. Here, likewise, the Church has arbitrated between those who regard ecclesiastical authority as nothing, and those who regard it as all-important. Short of these contradictory extremes, she goes to the utmost bounds of comprehensiveness. To those who humbly and earnestly desire to receive a ministerial sentence of absolution, it is given. In the office for the Visitation of the Sick there is provided the express form, "I absolve thee." But in general a declaratory form is used; and no penitent sinner is discouraged in the hope that his sins are forgiven on his simple repentance.

The difficulties of the Burial Service belong rather to discipline than to doctrine. They amount in short to the question how to deal with those who are Christians only in name. Any religious service, which is appropriate to those who die in fellowship with Christ, is and must be ill-adapted to others. Some distinction is required, for charity forbids the denial of funeral rites under any but the most aggravated circumstances.

In all, or nearly all, these questions, a large-minded appreciation of the forms of the Church will result in approval of them. Language which has been tried by the wear and stress of centuries is not to be adequately replaced by more modern terms, of which the range is imperfectly seen at first. But the duty of maintaining the traditional forms of the Church devolves upon the beneficed clergy in a special manner. They have the cure of souls within a certain area for which they represent the Church. It is reasonable to insist that they should not fall short of the complete measure of Church doctrine as it has been received from our forefathers. More freedom may be conceded to the increasing class of unbeneficed clergy, whose work is not strictly part of the parochial system, but auxiliary to it. For such men, who discharge their office by permission, and under a revocable licence, the terms of subscription may be relaxed with justice and with practical

advantage. To shallow minds it is a cause for amazement that the same Church should comprehend men who glory in the name of Protestant, and also men who glory in the name of Catholic. A more intelligent consideration of these parties will see in them the Whigs and Tories of ecclesiastical politics. Both have in common a bond of loyalty which is more vital than their differences. Good churchmen ought not to imitate the barbarous factiousness of the ancient Greek republics, which closed each dispute by driving the weaker party into banishment. The existence of Church parties would cease to be deemed a scandal if measures were taken to avoid sudden and arbitrary changes in the case of a new incumbency. The power which beneficed clergy have to alter the externals of worship in the parish church is excessive, and injures the reputation of the Church of England. It is not on the doctrinal side that she is most assailable; objections to her discipline are rightly estimated to be of more weight.

Among these must be ranked the fundamental objection to Episcopacy, in which Presbyterians and Independents agree. The Republican spirit, which is opposed to Monarchy in the State, has always entertained a dislike of the diocesan monarchy, which in a qualified sense is exercised by bishops. Yet in the lapse of time this famous dispute has much diminished in asperity. The opposing parties are in a fair way to understand each other; although, even now, the Episcopacy which is denounced by adversaries as unscriptural is a mere caricature of the Episcopacy which is cherished by its friends as an apostolic ordinance. Our adversaries have before their eyes in fancy a hierarchy of ecclesiastical nobles, worldly proud, luxurious, rapacious, jealous for their own dignity, without any love for Christ or for His poor. We have before us the living representatives of the continuity and unity of the Church, men who inherit by personal succession from the apostles the primitive rule of faith and ecclesiastical order. Both pictures are ideals, the one drawn by enmity, the other by friendship; but the facts correspond to the latter ideal far more than to the former.

For bishops who are mere prelates, and not true shepherds

of the people, it would be treachery to the Church to offer a defence; but a genuine Episcopacy is aided by combining with its spiritual rank a definite secular dignity. One who guides the consciences of men must of necessity be powerful: he stands at the helm, by moving which the whole vessel is governed. Whether he be called a bishop or no, his real authority cannot fail to be considerable; and it is both fair and expedient that such power should be accompanied by a dignified and responsible position. To withhold rank and responsibility from those who superintend religious offices, be they who they may, is not so much to diminish their power as to leave its action unrestrained. For the public welfare it is highly to be desired that spiritual authority should be exercised openly, in the light of day, and that they who exercise it should be so placed as to be liable to answer for their acts. Hence it is not a matter of small consequence that the chief ministers of the Church should sit in Parliament. As long as the Church is an influential body, it is right that a channel for its influence should be provided by law. Otherwise, the force which is inherent in religious motives will assert itself in a less legitimate way, by inflammatory sermons, tracts, and private direction. Power is never so dangerous as when it is irresponsible. The influence of Jesuit confessors has been the more unscrupulous and hurtful for acting as it were in the dark. The same thing is true of an anonymous press. Nations have not unfrequently found cause to wish, at critical points in their history, that their secret rulers might be brought face to face with them in Parliament.

On the political side, therefore, it is a salutary part of our constitution which gives to the bishops a place in the House of Lords. A danger lies on the other side: that the interests of the Church may be betrayed by bishops who value their secular position above their spiritual calling. Such prelates are open to the taunt of being “watch-dogs” of the State.\* But the public opinion of a Christian people reduces this danger to the least possible magnitude. In the present gene-

\* Döllinger.

ration, England is eager to recognise and advance the worthiest among the clergy. Most of the bishops appointed within the last ten years have been, either before or after their nomination, acknowledged as eminently fit for their office. It is doubtful whether a synod would have elected a body of men more highly qualified, on the whole, to have the oversight of the Church of Christ in our land. A similar observation may be made as to the Supreme Court of Appeal. Faulty as its constitution is in theory, it represents with high judicial impartiality the mind of the whole Church, clergy and laity.\*

It is sometimes urged that whatever be the case at present, the system is an unstable system, for the continuance of which there is no security. The appointment of bishops by the absolute will of the Prime Minister, the sale of benefices, the need of a legislative body which shall fairly represent the Church, are conspicuous grievances which demand reform. And why are they not reformed? Because the party to which it belongs to press reform on the Church is alienated from her, and more inclined to denounce her imperfections than to mend them. Would that the earnest and good Christians, who have grown up in the habit of looking at the Church from a hostile point of view, would seriously reflect how much they owe to her, how worthy she is of their cordial allegiance! If our ecclesiastical government were adapted to modern times, as our civil government has been, the Church would become once more the organ of spiritual life to millions who now distrust her in ignorance.

Of such a reform it would be beyond the present purpose to speak in detail; but a few of the most urgent points are the following:—

1. The laity must have a more definite share in parochial matters. No advowson should be sold without the consent of the congregation, in addition to that of the bishop. No appointment to a living should be made without an opportunity of formal protest on the part of the vestry.

2. The parochial system must not exclude in any way the

\* The constitution of the Court has been amended by the Judicature Act (1873).

voluntary system in connexion with the Church of England. Where free churches and services are undertaken, the enterprise should be allowed as consistent with Church principles and no trespass on the Incumbent of the parish.

3. The *congé d'éclire* for the election of a bishop should be a genuine permission to representatives of the diocese to elect. This need not withdraw from the Crown the right of nominating and confirming.

4. A national synod should be organised, in which the parochial clergy must have a far larger proportion of representatives than is given to them in the present Convocations of the two provinces.

Of these proposals, some have a democratic tendency. It is on this side that the Church needs to be strengthened. During the two centuries which have elapsed since the passing of the Act of Uniformity, the public life of the nation has developed to an enormous extent in all things except its ecclesiastical constitution. Peace, prosperity, commerce, education, have altered the mutual relations of all classes. It is necessary that the polity of the Church should be brought into harmony with these facts; with the increased power, knowledge, and moral advancement of the great body of the laity. The present time is full of auxuries, of which the magnitude can hardly be over-estimated; but the greatest peril is from those false friends of the Church who have learned nothing and forgotten nothing, who cling to the passions of a bygone age, and love the Church best for those traditions which are most to be regretted. The old spirit of exclusiveness, which under the Stuarts brought ruin on the constitution, and drove the friends of liberty into unnatural alliance with the most intolerant sectaries, was far less culpable in the days of Laud and Sheldon than it is now. Nor can religious principle or moral equity warrant the social exclusiveness which the clergy have sometimes promoted towards Dissenters. Men of orthodox faith, high accomplishments, and stainless character, should not lightly be excluded from Christian fellowship with churchmen. There are few penalties more severe than social excommunication, and it should be reserved for those

errors which strike at the root of holy living. Questions of a more subtle kind, on which even error implies a rare sensibility of soul, are not fit subjects for this treatment.

Politically and socially, things are in a state of transition; and there is good hope that from the struggle which is going on, the Church will emerge strengthened and purified. If we speak with prudent caution of dangers which environ the Church, it is not for want of confidence in her vitality. Never, indeed, was her life more vigorous. By the testimony of observant and trustworthy witnesses, the Church has undergone within the last half century a spiritual revival which has been sustained with continuous progress.

Mr. Gladstone, speaking of a period of ten years, from 1830 to 1840, compares the transformation of the Church to the change from a Russian winter to spring (24).

The Bishop of New Zealand, preaching at Cambridge in 1851, said of the period immediately subsequent to 1840:—

“ It has pleased God to awaken a zeal among us, which our elder brethren in the ministry speak of with astonishment, when they compare it with the indifference of former times. A great and visible change has taken place in the thirteen years since I left England. It is now a very rare thing to see a careless clergyman, a neglected parish, or a desecrated church. The multiplication of schools may well be made the subject of special thanksgiving to Almighty God. The teaching of our public schools and universities has risen to a far more religious character. Even our cathedral system, the last to feel the impulse of the spirit of the times, has put forth signs of life, while many were predicting its extinction.”

In the report of a select committee of the House of Lords, 1858, the following statement is quoted with approval:—

“ It is scarcely possible to express in too high terms the zeal and great devotion of the clergy of London, as a body generally, and especially the rising clergy.”

At that time it was estimated that 3150 churches had been built in England and Wales since the beginning of the century, at a cost of nearly eleven millions sterling, raised chiefly by voluntary subscriptions. Of late years the activity of the

Church in all its departments has been too manifest to require evidence. It is one of the most familiar facts of the age, daily recognised in popular literature, whether in a friendly or unfriendly spirit. The glorious reproach of being too much in earnest has been won, above all religious bodies, by the Church which was supposed to have fallen into the lassitude of old age. Foreign missions have been planted over the whole surface of the globe. Men of high culture and brilliant prospects have been found willing, not in scanty numbers, to spend their lives as missionaries; and quite recently the Church has contributed, as of old, a bishop to the roll of martyrs. More conspicuous still is the zeal with which the ablest among the clergy have devoted themselves to what are truly called home missions, sowing the word of God in the most neglected parts of populous towns. The erection of new churches, and the supply of additional clergy, give but a faint idea of the magnitude of the work. Each individual clergyman speaks and acts with greater power, as one who feels assured that his cause is the cause of Christ. Each church, whether old or new, is the centre of more frequent and heartfelt services. The new spirit has been deeply infused into the arts. A revival of ecclesiastical architecture and sacred music has penetrated into almost every parish, and has spread far and wide among Nonconformists. Nor has there been wanting an outburst of genuine lyric genius, which has enriched the Church service with hymns and tunes of a quality fit to be compared with the best of former times. Meanwhile the scholarship of the Church of England has been able, in every branch of theology, to sustain its ancient reputation. The divines assembled at Westminster to revise the authorised version of the Bible, are by common consent not unequal to that most arduous and responsible of tasks. Scholars of the present day have not declined from the patient toil of their most learned predecessors, while adding the results of a more diversified range of study. In the exact knowledge of ancient languages, in the mastery of ecclesiastical antiquities, in literary and in oratorical power, the English Church proves herself worthy of the high place which she claims a right to hold. Moreover, these gifts have been accompanied

by a large outpouring of the gift of government. The faculty of organisation has been evinced in the charge of populous parishes, in choral and other societies, in diocesan synods, and in Church Congresses. It has been found possible to develop in the Convocation of Canterbury not a few of the highest qualities of a parliament: and to muster representatives of the Anglican communion from all quarters of the world in an Episcopal Conference.

In an age of mental activity and progress almost unexampled, the Church of England has kept abreast of the national movement, giving expression to its best aspirations. Being what she is, she has only to fear the calamity of being appreciated too late (25). Reputation always lags behind desert. When the Church was most languid, she flourished on the traditional fame of those who had suffered in earlier times as exiles and prisoners for conscience sake, such as Jeremy Taylor and Ken. And now that she is the very salt of the land, she bears the reproach of the sluggish epicures of the eighteenth century. Discontent at practical abuses, after slumbering long, has adopted an abstract theory of separation between Church and State; a theory which is never advanced, except as an extreme remedy for intolerable evils, by those who honestly desire the good of either Church or State. Now, however, the Church is rather an object of envy because of her merits than of aversion because of her defects. In the matter of education, for example, under a system of which it was said by Macaulay, "A system of more impartiality in principle I am not able to conceive," the system of grants in aid to voluntary contributions, the Church of England presented in the latter half of the year 1870, nearly seven times as many applications for grants as were presented by all other bodies together. It is this exuberant zeal and munificence within a recent period which has provoked the latest agitation against the Church (26).

Enthusiasm is not often combined with moderation. Yet the Church of England has in our day known how to reconcile the two. While her enthusiasm has changed the religious aspect of England, her moderation has made her a pillar of the faith to Christians of every nation on the continent (27). In

the chilly tempest of revolutionary thought which is even now sweeping over Europe, the English Church stands up like a landmark in a snowdrift, showing where a path may be found. She is a guide on the one hand to those who are held fast in mediæval superstitions, and on the other hand to those who have strayed in a track of their own choosing. The Old Catholic can draw encouragement from her, for she is Catholic: the Reformed sects can ally with her, for she is Reformed. She stands in a commanding position which is vital to the future reunion of Christendom. It may be that the same inscrutable Providence, which disappointed the hopes of Judah when Josiah fell at Megiddo, and which blighted the first blossom of the Christian Church in the death of Stephen, may ordain that the National Church of England should be dissolved, at the moment when her life appears most precious. And it may be, that even so great a catastrophe may be seen, in some future age, to have its good results. But within the horizon of our present view, and within the bounds of our national existence, the disestablishment of the Church of England could hardly fail to be a cause of the profoundest lamentation to all who wisely love their country and their God.

## NOTES.

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1 (p. 496). *The Church under Constantine.*—“The first public edict of Constantine in favour of Christianity is lost ; that issued at Milan, in the joint names of Constantine and Licinius, is the great charter of the liberties of Christianity. But it is an edict of full and unlimited toleration, and no more. It recognises Christianity as one of the legal forms by which the Divinity may be worshipped. It performs an act of justice in restoring all the public buildings, and the property which had been confiscated by the persecuting edicts of former emperors. Where the churches or their sites remained in the possession of the imperial treasury, they were restored without any compensation ; where they had been alienated, the grants were resumed ; where they had been purchased, the possessors were offered an indemnity for their enforced and immediate surrender, from the state.” \* \* \* \* \*

“ Yet some acts of Constantine, even at this early period, might encourage the expanding hopes of the Christians that they were destined before long to receive more than impartial justice from the emperor. His acts of liberality were beyond those of a sovereign disposed to redress the wrongs of an oppressed class of his subjects ; he not merely enforced by his edict the restoration of their churches and estates, he enabled them by his own munificence—his gift of a large sum of money to the Christians of Africa—to rebuild their ruined edifices, and restore their sacred rites with decent solemnity. \* \* \* \* With the protection, the emperor assumed the control over the affairs of the Christian communities : to the cares of the public administration was added a recognised supremacy over the Christian Church.” (Milman, ‘History of Christianity,’ bk. iii., chap. 1. On the relations of Church and State under the Roman Empire, see Augustine, ‘De Civitate Dei,’ l. xix. ch. xvii.)

2 (p. 496). *The Holy Roman Empire.*—“The theory of the mediæval empire is that of an universal Christian monarchy. The

Roman Empire and the Catholic Church are two aspects of one society, a society ordained by the divine will to spread itself over the whole world. Of this society Rome is marked out by divine decree as the predestined capital, the chief seat alike of spiritual and of temporal rule. At the head of this society, in its temporal character as an empire, stands the temporal chief of Christendom, the Roman Cæsar. At its head, in its spiritual character as a Church, stands the spiritual chief of Christendom, the Roman Pontiff. Cæsar and Pontiff alike rule by divine right, each as God's immediate vicar within his own sphere." (Freeman, 'Historical Essays,' p. 136.)

So Dante :

"Soleva Roma, che'l buon mondo feo,  
Duo Soli aver." ('Purgatorio,' canto xvi. 106.)

3 (p. 497). *Constitutions of Clarendon*, 1164.—(i.) "It was enacted that 'the custody of every vacant archbishopric, bishopric, abbey, and priory of royal foundation, ought to be given, and its revenues paid, to the king ; and that the election of a new incumbent ought to be made in consequence of the king's writ, by the chief clergy of the Church assembled in the king's chapel, with the assent of the king, and with the advice of such prelates as the king may call to his assistance.'

(ii.) "By the second and seventh articles it was provided that in almost every suit, civil or criminal, in which each or either party was a clergyman, the proceedings should commence before the king's justices, who should determine whether the cause ought to be tried in the secular or episcopal courts." (Lingard, 'History of England,' ch. viii.)

These and other constitutions were enacted as being "a record or recognition of some of the customs, liberties, and dignities of the king's ancestors."

4 (p. 497). *Statute of Præmunire*.—"Præmunire" is barbarous Latin for "præmoneri," to be forewarned, and was the first word of a writ of summons under certain statutes which were enacted under Edward I. and his successors, to defend the authority of the crown against papal encroachment. In common speech not only the writ, but the offence itself, took the name of *præmunire*. The particular statute, which is usually called the Statute of Præmunire, is the statute 16 Ric. II.c.5, which enacts, "that whoever procures at Rome, or elsewhere, any translations, processes, excommunications, bulls, instruments, or other things which touch the king, against him, his crown, and realm, and all persons aiding and assisting therein, shall be put out of the king's protection, their lands and goods forfeited to the king's use, and they shall be attached by their bodies to answer to the king and his council." (Blackstone, 'Commentaries,' bk. iv. ch. 8.)

“Lord Cardinal, the king’s further pleasure is,  
 Because all those things you have done of late,  
 By your power legatine, within this kingdom,  
 Fall into the compass of a præmunire,  
 That therefore such a writ be sued against you ;  
 To forfeit all your goods, lands, tenements,  
 Chattels, and whatsoever, and to be  
 Out of the king’s protection.”

(Shakspere, *Henry VIII.*, Act iii., sc. 2.)

5 (p. 497). *Statute of Appeals*, 1532.—“Where by divers sundry old authorities, histories and chronicles it is manifestly declared and expressed that this realm of England is an empire, and so hath been accepted in the world, governed by one supreme head and king, having the dignity and royal estate of the imperial crown of the same :

“Unto whom a body politic, compact of all sorts and degrees of people, divided in terms and by names of spirituality and temporality, been bounden and owen to bear, next to God, a natural and humble obedience :

“He being also institute and furnished by the goodness and sufferance of Almighty God with plenary, whole, and entire power, pre-eminence, authority, prerogative, and jurisdiction, to render and yield justice and final determination to all manner of folk, residents, or subjects within this his realm, in all causes, matters, debates, and contentions happening to occur, insurge, or begin within the limits ther eof, without restraint or provocation to any foreign princes or potentates of the world :

“The body spiritual whereof having power, when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared, interpreted, and showed, by that part of the said body politic called the spirituality, now being usually called the English Church, which always hath been reputed, and also found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath been always thought, and is also at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such offices and duties, as to their rooms spiritual doth appertain :

“For the due administration whereof, and to keep them from corruption and sinister affection, the king’s most noble progenitors, and the antecessors of the nobles of this realm, have sufficiently endowed the said Church both with honour and possessions :

“And the law temporal, for trial of property of lands and goods, and for the conservation of the people of this realm in unity and peace, without rapine or spoil, was and yet is administered, adjudged, and executed, by sundry judges and ministers of the other part of the said body politic, called the temporality :

“And both their authorities and jurisdictions do conjoin together

in the due administration of justice, the one to help the other." (Gladstone, l. c. See also Froude, 'History of England,' vol. i. p. 410.)

At the time of passing the Act of Supremacy (1534), an explanatory statement was drawn up as follows:—"The King's Grace hath no new authority given hereby that he is recognised as Supreme Head of the Church of England; for in that recognition is included only that he have such power as to a king of right appertaineth by the law of God; and not that he should take any spiritual power from spiritual ministers that is given to them by the Gospel." (Froude, vol. ii. p. 327.)

6 (p. 499). *The Reformers.*—"The duty of magistrates, its nature as described by the word of God, and the things in which it consists, I will here indicate in passing. That it extends to both tables of the law, did Scripture not teach, we might learn from profane writers; for no man has discoursed of the duty of magistrates, the enacting of laws, and the common weal, without beginning with religion and divine worship. Thus all have confessed that no polity can be successfully established unless piety be its first care, and that those laws are absurd which disregard the rights of God, and consult only for men. Seeing then that among philosophers religion holds the first place, and that the same thing has always been observed with the universal consent of nations, Christian princes and magistrates may be ashamed of their heartlessness if they make it not their care. We have already shown that this office is specially assigned them by God, and indeed it is right that they exert themselves in asserting and defending the honour of Him whose vicegerents they are, and by whose favour they rule. Hence in Scripture holy kings are especially praised for restoring the worship of God when corrupted or overthrown, or for taking care that religion flourished under them in purity and safety. On the other hand, the sacred history sets down anarchy among the vices, when it states that there was no king in Israel, and, therefore, everyone did as he pleased (Judges xxi. 25). This rebukes the folly of those who would neglect the care of divine things, and devote themselves merely to the administration of justice among men; as if God had appointed rulers in his own name to decide earthly controversies and omitted what was of far greater moment, his own pure worship as prescribed by his law. Such views are adopted by turbulent men, who, in their eagerness to make all kinds of innovations with impunity, would fain get rid of all the vindicators of violated piety." (Calvin, 'Institutes,' l. iv., c. xx., § 9, translated by Beveridge.)

"Touching the duty of the ruler or magistrate," the *Helvetic Confession* says, "He shall, after the example of most holy princes of the people of the Lord, advance the preaching of the truth, and the pure and sincere faith; and shall root out lies and all superstition, with all impiety and idolatry." The *Bohemian*: "By this authority of his he shall set forth the truth of the holy gospel; be a defender of the

ministers and people of Christ, and suffer not, so far as in him lies, idolatry, or the tyranny of Antichrist." And that of *Belyum*: "It is their duty, not only to be careful to preserve the civil government, but also to endeavour that the ministry may be preserved: that all idolatry and counterfeit worship of God may be clean abolished; that the kingdom of Antichrist may be overthrown, and that the kingdom of Christ may be enlarged. It is their duty to bring to pass, that the holy word of the Gospel may be preached everywhere, that all men may serve and worship God purely and freely, according to the prescribed rule of his word." The Confessions of Augsburg, Saxony, Wirtemberg, &c., run in the same strain. ('Essays on the Church' (Seeley), p. 59. See also v. Döllinger, 'Kirche und Kirchen,' p. 52, &c.)

7 (p. 500). *The Colonists of New England*.—"The emigrants were a body of sincere believers, desiring purity of religion, and not a colony of philosophers, bent upon universal toleration. Reverence for their faith led them to a new hemisphere, where distance might protect them from inquisition; to a soil of which they had purchased the exclusive possession, with a charter of which they had acquired the entire control; for the sake of reducing to practice the doctrines of religion, and the forms of civil liberty, which they cherished more than life itself. They constituted a corporation to which they themselves might establish, at their pleasure, the terms of admission. They held in their own hands the key to their asylum, and maintained the right of closing its doors against the enemies of its harmony and its safety." (Bancroft, 'History of the United States,' i. 267.) In accordance with these views, the colonists of New England banished John and Samuel Browne, the Episcopilians, and Roger Williams, the Baptist. "The Brownes, who could not be terrified into silence, were seized like criminals, and, in the returning ships, were transported to England. They were banished from Salem because they were Churchmen. Thus was Episcopacy first professed in Massachusetts, and thus was it exiled. The blessings of the promised land were to be kept for Puritanic dissenters." (Bancroft, i. 263.) In the case of Williams, "the ministers got together and declared any one worthy of banishment who should obstinately assert that the civil magistrate might not intermeddle even to stop a church from apostasy and heresy." "It was resolved to remove him to England in a ship that was just ready to sail" (p. 280, 281). Williams fled, however, and with five companions founded the colony of Rhode Island. Professor Masson ('Life of Milton,' vol. iii.) calls him "the father of Voluntaryism." The Quakers were more hardly dealt with than any sect. Four of them, having been banished on pain of death, persisted in returning, and were hanged. From these persecutions another well-known settlement took its rise, to which William Penn gave his honoured name. Pennsylvania shares with Rhode Island the fame of setting an example to the world of entire religious liberty. But the acts of infant colonies, asylums for the

persecuted of both worlds, have only a doubtful claim to be accepted as genuine examples of toleration. Under similar circumstances, even the Roman Catholic settlers of Maryland had, at an earlier period, adopted the principle of liberty of conscience. In their weakness they were glad to let others alone on condition of being let alone themselves. Self-preservation was combined with the politic reason, which is expressed in the instructions sent from Amsterdam to Governor Stuyvesant of New York, "Let every peaceful citizen enjoy freedom of conscience; this maxim has made our city the asylum of fugitives from every land: tread in its steps, and you shall be blessed."

8 (p. 502). "In Edinburgh, a few years ago, at one of those public meetings, where the connexion between church and state is no sooner spoken of than it lights up an instant and sensitive antipathy in the hearts of assembled thousands, there was a speech delivered by an American clergyman of the Presbyterian denomination, who happened to be an acquaintance of my own. The multitude whom he addressed were every one of them enraptured, at hearing from his lips, that the idea of any such connection was held in perfect abomination all over America. I afterwards ventured to make the whole controversy a subject of conversation with him, and my first question was, whether if a Christian philanthropist, seized with a strong affection for a district in Maryland, were to bequeath ten thousand pounds for the erection of a Church and ministerial dwelling-place, and for the maintenance of a clergyman, providing at the same time that this clergyman should be of the Presbyterian denomination, and that in things ecclesiastical he should be wholly under the control of his own Presbyterian judicatories in America—whether such an endowment would be rejected by their General Assembly or Supreme Court of Management, as an unscriptural and unchristian thing, or be accepted by the body as a means of religious usefulness. There could be but one answer to this question, which was, that an endowment thus destined, and thus placed under the guardianship of what he deemed to be a pure scriptural Church, would be welcomed and encouraged to the uttermost. I then asked whether, if these endowments were so multiplied as that the whole State of Maryland should be covered with them—still adhering to the supposition that the theology of all these Maryland clergymen was in no subordination whatever to the will of the testators, but only to the will of their ecclesiastical superiors, the Presbyteries and Synods and General Assembly of America,—whether such an arrangement, admitted by him to be desirable and good in reference to one small territory, whether the character and effect would be at all changed, if the benefit of it were multiplied several hundred times, and spread over the whole of Maryland . . . . After this the transition was not a difficult one, from the single state of Maryland to the whole United States of America, and then the only adjustment which remained to

be made was, whether such a great and general endowment, that would have delighted all their hearts, if coming from the hands of so many thousand generous individuals, whether, if it had come down to them as the fruit of an endowment that had been instituted many hundred years ago, and was therefore so firmly based on a separate and proprietary right of its own, that no one individual could honestly affirm of himself, that he was injured by its existence in any thing that belonged to him—whether, as he and his brethren would rejoice in the coming on of such an endowment, whether they would willingly consent to the taking of it off at the clamorous outcry of men who represented it, not only as a bane and burden on the commonwealth, but as an unchristian abomination in the midst of their land. The rejoinder upon this was a very memorable one. If all you mean by an Establishment is an organized provision for a clergy, we should rejoice in it. If this be the whole amount of the connection between Church and State, if maintenance and nothing else come from one quarter, and an unfeathered theology from the other, without contamination from the authority of man, but subject only to an ecclesiastical judgment, grounded on a principle of deference to the word of God, a simple arrangement of this sort is truly a different thing from what we understood by a religious establishment. The thing we deprecate is the authority of the civil magistrate in matters of religion; but we should be thankful to him or to any one else, for giving us what he termed an organized provision for clergymen. Now this organized provision is truly all that we contend for." (Chalmers, 'Lectures on Church Establishment,' pp. 218, 221.)

9 (p. 509). *Incomes of the Clergy.*—From a comparison of various estimates it appears certain that the average income of the Clergy of the Church of England is considerably less than 300*l.* a year. There are about 20,000 clergy, and if 300*l.* be multiplied by this number, the result is a total income of six millions sterling, which exceeds the calculated amount according to the Liberation Society's Tract on the subject, and is far beyond some other estimates. (See *Essay I.* note 68.) Again, the annual revenue of six millions, at fifteen years' purchase, would be equivalent to a capital sum of ninety millions, the sum named by Mr. Gladstone in his speech on Mr. Miall's motion, May 16, 1873. "I made out that between life incomes, private endowments, and the value of fabrics and advowsons, something like 90,000,000*l.* would have to be given in this process of disestablishment to the ministers, members, and patrons of the Church of England." But Mr. Gladstone's calculation includes the satisfaction of the just claims of patrons and members of the Church, in addition to those of the clergy.

If the figures, which are roundly stated as above, were corrected and analysed for greater exactness, the result would be a diminished estimate of clerical incomes. And the amount would be still further reduced if the incidental circumstances were fully taken into con-

sideration. For, while the clergy have some peculiar advantages, they labour under peculiar burdens of their own: the legal dues to which Church property is specially subject by its nature: the large contributions of various kinds which are exacted by custom of the parson of the parish; together with claims no less imperative, which are forced upon him by daily intercourse with the poor, and personal experience of the spiritual and temporal needs of his neighbours. On the whole, taking into account every qualification, whether favourable or unfavourable, that might affect the estimate, we may conclude safely that a man who has a salary of 300*l.* a year at his free disposal is richer than any of the clergy would be, if the revenues of the whole body, including the rental of the Bishops' palaces, deaneries, and parsonage houses, were equally divided.

The capital sum of ninety millions sterling conveys an impression of vast wealth, to minds which do not perceive how it is compounded of the life interests of about 20,000 persons, supposed to be paid off at once. In relation to the clergy the true state of the case will be better appreciated, if their income be compared with the annual cost of the army, navy, or civil service. Perhaps the most convenient standard of comparison is the Income Tax, although the tax-paying incomes of the whole United Kingdom, being only incomes of the richer classes, fall short of the real income of the people of England and Wales. But this standard has the advantage of simplicity, and gives a very intelligible measure of the proportion which clerical incomes bear to the wealth of the nation. Assuming, then, that six millions sterling would represent the annual income of the clergy, the equivalent Income Tax would be 5*d.* in the Pound, or about 2 per cent. of the national income.

Several fallacies beset the popular opinion on this subject. One is a lingering fancy derived from traditions of the Middle Ages, when almost half the cultivated land was in clerical occupation, when the peaceful intelligent industry with which Church lands were improved, bore fruit which was a palpable contrast to the estates of improvident military landlords: when, in fact, husbandry and useful arts, and all that belongs to material civilisation, thrived under clerical influence exclusively. A vague illusion, tending to exaggerate the wealth of the Church, arises from the magnificence of the Cathedrals. Besides, there is always a show of affluence in landed property, which makes its possessors appear richer than they are. Here and there, too, may be found glaring anomalies, rich family livings, disproportionate to the duties attached to them. Although these are only in name Church property, being quite unavailable to the Church at large, they bring some envy and scandal to the Church. But the commonest and most important error of all, is to overlook recent changes. During the present century Church revenues have been dwarfed by the enormous increase of wealth in England. Beneficed clergy are becoming year by year appreciably poorer in comparison of other classes of society. Meanwhile, their labours and responsibilities increase with the growth of the population. Besides working harder

themselves, they contribute a large part of the stipend of five thousand curates, who assist them, and whose income, so far as it is derived from ecclesiastical sources, is apt to be counted twice over in summing up the revenues of the Church.

10 (p. 519). *Origin of Church Endowments.*—“The ecclesiastical hierarchy never received any territorial endowment by law, either under the Roman empire or the kingdoms erected upon its ruins. But the voluntary munificence of princes as well as their subjects amply supplied the place of a more universal provision. Large private estates, or, as they were termed, patrimonies, not only within their own dioceses, but sometimes in distant countries, sustained the dignity of the principal sees, and especially that of Rome. The French monarchs of the first dynasty, the Carlovingian family and their great chief, the Saxon line of emperors, the kings of England and Leon, set hardly any bounds to their liberality, as numerous charters still extant in diplomatic collections attest. Many churches possessed seven or eight thousand mansi; one with but two thousand passed for <sup>only</sup> indifferently rich. But it must be remarked, that many of these donations were of lands uncultivated and unappropriated. The monasteries acquired legitimate riches by the culture of these deserted tracts, and by the prudent management of their revenues, which were less exposed to the ordinary means of dissipation than those of the laity. Their wealth, continually accumulated, enabled them to become the regular purchasers of landed estates, especially in the time of the crusades, when the fiefs of the nobility were constantly in the market for sale or mortgage.” \* \* \*

“As an additional source of revenue, and in imitation of the Jewish law, the payment of tithes was recommended or enjoined. These, however, were not applicable at first to the maintenance of a resident clergy. Parochial divisions, as they now exist, did not take place, at least in some countries, till several centuries after the establishment of Christianity. The rural churches, erected successively as the necessities of a congregation required, or the piety of a landlord suggested, were in fact a sort of chapels dependent on the cathedral, and served by itinerant ministers at the bishop's discretion. The bishop himself received the tithes, and apportioned them as he thought fit. A capitulary of Charlemagne, however, regulates their division into three parts; one for the bishop and his clergy, a second for the poor, and a third for the support of the fabric of the Church. Some of the rural churches obtained by episcopal concessions the privileges of baptism and burial, which were accompanied with a fixed share of tithes, and seem to imply the residence of a minister. The same privileges were gradually extended to the rest; and thus a complete parochial division was finally established. But this was hardly the case in England till near the time of the Conquest.” (Hallam, ‘Middle Ages,’ chapter vii.)

“We cannot precisely ascertain the time when tithes were first introduced into this country. Possibly they were contemporary

with the planting of Christianity among the Saxons, by Augustin the monk, about the end of the sixth century. But the first mention of them, which I have met with in any written English law, is in a constitutional decree, made in a synod held A.D. 786, wherein the payment of tithes in general is strongly enjoined. This canon, or decree, which at first bound not the laity, was effectually confirmed by two kingdoms of the heptarchy, in their parliamentary conventions of estates, respectively consisting of the kings of Mercia and Northumberland, the bishops, dukes, senators, and people." (Blackstone's 'Commentaries,' Book ii. ch. 3.)

11 (p. 522). *Burke, Coleridge, and Arnold.*—"First, I beg leave to speak of our Church establishment, which is the first of our prejudices, not a prejudice destitute of reason, but involving in it profound and extensive wisdom. I speak of it first. It is first, and last, and midst in our minds. For, taking ground on that religious system, of which we are now in possession, we continue to act on the early received, and uniformly continued sense of mankind. That sense not only, like a wise architect, hath built up the august fabrick of states, but like a provident proprietor, to preserve the structure from profanation and ruin, as a sacred temple, purged from all the impurities of fraud, and violence, and injustice, and tyranny, hath solemnly and for ever consecrated the commonwealth, and all that officiate in it. This consecration is made, that all who administer in the government of men, in which they stand in the person of God himself, should have high and worthy notions of their function and destination; that their hope should be full of immortality; that they should not look to the paltry pelf of the moment, nor to the temporary and transient praise of the vulgar, but to a solid, permanent existence, in the permanent part of their nature, and to a permanent fame and glory, in the example they leave as a rich inheritance to the world.

"Such sublime principles ought to be infused into persons of exalted situations; and religious establishments provided, that they may continually revive and enforce them. Every sort of moral, every sort of civil, every sort of politic institution, aiding the rational and natural ties that connect the human understanding and affections to the divine, are not more than necessary in order to build up that wonderful structure, Man; whose prerogative it is, to be in a great degree a creature of his own making; and who when made as he ought to be made, is destined to hold no trivial place in the creation. But whenever man is put over men, as the better nature ought ever to preside, in that case more particularly he should as nearly as possible be approximated to his perfection.

"The consecration of the state, by a state religious establishment, is necessary also to operate with an wholesome awe upon free citizens; because, in order to secure their freedom, they must enjoy some determinate portion of power. To them therefore a religion connected with the state, and with their duty towards it, becomes

even more necessary than in such societies, where the people by the terms of their subjection are confined to private sentiments, and the management of their own family concerns. All persons possessing any portion of power ought to be strongly and awfully impressed with an idea that they act in trust; and that they are to account for their conduct in that trust to the one great Master, Author, and Founder of society."

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" It is on some such principles that the people of England, far from thinking a religious national establishment unlawful, hardly think it lawful to be without one. . . . . They do not consider their church establishment as convenient, but as essential to the state, not as a thing heterogeneous and separable, something added for accommodation; what they may either keep up or lay aside, according to their temporary ideas of convenience. They consider it as the foundation of their whole constitution, with which, and with every part of which, it holds an indissoluble union. Church and State are ideas inseparable in their minds, and scarcely is the one ever mentioned without mentioning the other." (Burke, 'Reflections on the Revolution in France,' Works, v. 226—238.)

" The National Church requires, and is required by, the Christian Church, for the perfection of each. For if there were no national Church, the mere spiritual Church would either become, like the Papacy, a dreadful tyranny over mind and body;—or else would fall abroad into a multitude of enthusiastic sects, as in England in the seventeenth century. It is my deep conviction that, in a country of any religion at all, liberty of conscience can only be permanently preserved by means and under the shadow of a national Church—a political establishment connected with, but distinct from, the spiritual Church." (Coleridge, 'Table Talk,' ii. 321.)

See also the same author's essay 'On the Constitution of Church and State, according to the Idea of each.' A more complete exposition of the idea of a national Church is given in Maurice's 'Kingdom of Christ.'

" I look to the full development of the Christian Church in its perfect form, as the Kingdom of God, for the most effective removal of all evil, and promotion of all good; and I can understand no perfect Church, or perfect State, without their blending into one in this ultimate form." (Stanley, 'Life of Dr. Arnold,' ii. 190.)

Dr. Arnold's views are elaborated in his 'Lectures on Modern History,' and in his unfinished 'Essay on the Church.'

12 (p. 524). *The Voluntary principle: its insufficiency.*—In Scotland the Free Church was launched with the fairest promise of success. The people have always been distinguished for self-reliance, and are taught from childhood to glory in the memories of a national struggle for liberty. Local and in particular ecclesiastical politics occupy their minds all the more, by reason of the absorption of the civil government into that of the United Kingdom.

Church questions are commonly debated with intelligence and warmth in every parish, mostly on democratic principles. In the face of a popular secession, the Presbyterian Establishment stood at a disadvantage. For that Establishment had come forth from the revolutions of the sixteenth and seventeenth centuries, severed from the Church of St. Columba and St. Margaret, maimed of its most venerable associations, shorn of its former wealth, weakened by the estrangement of the governing class, and owing much of its strength to the same resolute spirit of independence which turned against it in the day of disruption. When four hundred ministers at once, many of them advanced in years, went out from their homes and cast themselves with their families on the untried resources of voluntary support, they were followed by enthusiastic sympathy. What was thus begun with self-devotion, was completed with statesman-like wisdom. The Free Church was organised on a comprehensive and national basis, under the guidance of one of the greatest men whom Scotland has produced. Poor districts were liberally provided for by means of the Sustentation Fund, and so the worst mischief of the voluntary system was avoided. Nevertheless the founders of the Free Church have had reason, on the whole, for disappointment. It has not, as was hoped, supplanted the Established Church by superior numbers, influence, or usefulness. Instead of proving itself to be the embodiment of the national religion, it has been in danger of subdivision. Experience has also brought some necessary modifications of its most cherished principle. The Cardross Case, in 1860, opened the eyes of Free Churchmen to the limits beyond which independence cannot go. A voluntary society can draw up its own terms of membership, but it cannot assume, independently of the law, the sovereign power of enforcing them. It has no proper jurisdiction. Its relation towards its members is subject to the law of contract. The supreme courts of law must determine, in cases of appeal, whether the contract was legally valid, and whether it has been broken.

The biographer of Dr. Chalmers, after summing up the great results of the Free Church movement, adds, "The annals of Voluntaryism present no instance of like success; yet, bringing it to the test which he constantly employed, and which he believed to be the only true and legitimate one, Dr. Chalmers' final verdict was unfavourable. 'I can afford,' said he, 'to say no more than that my hopes of an extended Christianity from the efforts of Voluntaryism alone have *not* been brightened by my experience since the Disruption . . . . We had better not say too much on the pretensions or the powers of Voluntaryism, till we have made some progress in reclaiming the wastes of ignorance and irreligion and profligacy which so overspread our land; or till we see whether the congregational selfishness which so predominates everywhere can be prevailed on to make larger sacrifices for the Christian good of our general population.'" (Hanna, 'Memoirs of Dr. Chalmers,' ii. 755.)

13 (p. 525). *Civilising influence of the Clergy*.—The kind of in-

fluence which is peculiar to an Established Church is illustrated by many well-known biographies. One of the most pleasing examples is the ministry of Augustus Hare in the Wiltshire village of Alton, as described in his nephew's 'Memorials of a Quiet Life.' Under any other than a parochial system this gentle, undemonstrative, humanising beneficence in ordinary rural districts is hardly possible.

Forty years ago, Cobbett vigorously described the salutary effects on the morals and happiness of the people which properly belong to such a system (see Essay II., note 45). These effects are now generally recognised in one department at least, that of kindly pastoral influence. But far too little has been said of the opportunities of the clergy, or of their actual work, as promoters of civilisation. The diffusion of science, art, and literature has been largely assisted by numberless country parsons within their own circle. Many have applied themselves heartily, in the face of local prejudice, to solve the hard economical questions which beset the condition of the poor. Both in town and country, clergymen have contributed much towards the welfare of the labouring class, by sanitary measures, by improved dwellings, by co-operative stores, by provident societies based on sound financial principles, by aid given to emigration, by lessons and lectures on topics of common life. This widely extended usefulness is not sufficiently appreciated. It is culpably ignored by some who are specially bound, on the principles of their own humanitarian philosophy, to esteem it highly. The work is carried on out of sight, and makes few claims on public attention. But the labours of the clergy, even when they are known, are under-valued by those who dislike their religious teaching. A necessary antagonism separates them from a modern school of thinkers, who assume that human nature is essentially good, and ready to grow up straight as a pine, if unmolested by restraints. Both doctrine and experience forbid the clergy to think that freedom is the sole and sufficient condition of human perfectibility. They are daily led to observe the vices of blood which tend, from childhood upwards, to the abuse of freedom. Therefore they aim, not at liberty alone, but at liberty combined with culture. Probably they are often too cautious, too slow to understand the growth of those whom they endeavour to guide. But in the end they are better friends of liberty than their adversaries ; for they are striving with much pains and self-denial, to promote the intellectual and social advancement without which political freedom would be an empty name.

14 (p. 531). "The Jerusalem Bishopric was the ultimate condemnation of the old theory of the *Via Media* ; from that time the Anglican Church was, in my mind, either not a normal portion of that One Church to which the promises were made, or at least in an abnormal state, and from that time I said boldly, as I did in my Protest, and as indeed I had even intimated in my Letter to the Bishop of Oxford, that the Church in which I found myself had no claim on me, except on condition of its being a portion of the Catholic Church, and that

that condition must ever be borne in mind as a practical matter, and had to be distinctly proved." (J. H. Newman, 'Apologia,' p. 260.)

15 (p. 533). The following passage, by a Nonconformist, is remarkable:—

"It is one of the great perils of modern Congregationalism that while it preserves the apostolic polity, it does not apprehend very vividly the idea from which that polity sprang, and for the sake of which alone it deserves preservation. We have exaggerated and misinterpreted the great Protestant principle that religion is an affair that lies altogether between man and his Maker. In the energy of our revolt against the interference of secular rulers with the religious life of nations, and in the vehemence of our antagonism to the presumptuous claims of priesthoods and to the illegitimate pretensions of the great churches of Christendom, we have sometimes appeared to maintain that the whole idea of religion is included in the immediate relations between the soul and God. The relations between the individual Christian and the Church have been ignored. The necessity for the existence of the Church has been implicitly denied. But nothing can be clearer than that isolation is not the law of the religious life." ('Ecclesia,' second series, p. 357. Essay by the editor, Dr. Reynolds, 'The Idea of the Church in relation to Modern Congregationalism.')

16 (p. 533). There is too much reason to believe that the following extract from a speech by the Rev. J. G. Rogers, mover of a resolution at the Nonconformist Conference in Manchester, January, 1872, exhibits truly the present temper of political Dissent in regard to the Bible. The sense is not materially altered if the word "national" in the third line be, as is probable, a misprint for "denominational":—

"Whilst they wanted the Bible taught in schools, they had no legitimate standing ground upon which to establish their opposition to national education. The Bible was the Nonconformists' best book—it was their Protestant book—but they had no right to force it into the schools of the nation, which was composed of partly Roman Catholics, partly secularists, Jews, and so forth. (Cheers.) Nonconformists had been hunting after a phantom called unsectarian religious education, when there was no such thing in the world; and because they had been engaged in that wild-goose chase their opponents had had in view a sectarian education, which had placed Nonconformists in their present position. (Cheers.)"

17 (p. 534). It is sufficient to refer to Professor Huxley's lecture on Descartes' 'Discourse touching the Method of using one's Reason rightly and of seeking Scientific Truth.'

"The central propositions of the whole 'Discourse' are these. There is a path which leads to truth so surely, that any one who will follow it must needs reach the goal, whether his capacity be

great or small. And there is one guiding rule by which a man may always find this path, and keep himself from straying when he has found it. This golden rule is—give unqualified assent to no propositions but those the truth of which is so clear and distinct that they cannot be doubted.

“ The enunciation of this first great commandment of science consecrated Doubt. It removed Doubt from the seat of penance among the grievous sins to which it had long been condemned, and enthroned it in that high place among the primary duties which is assigned to it by the scientific conscience of these latter days.”

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“ When I say that Descartes consecrated doubt, you must remember that it was that sort of doubt which Goethe has called ‘ the active scepticism, whose whole aim is to conquer itself;’ and not that other sort which is born of flippancy and ignorance, and whose whole aim is only to perpetuate itself, as an excuse for idleness and indifference. But it is impossible to define what is meant by scientific doubt better than in Descartes’ own words. After describing the gradual progress of his negative criticism, he tells us:—

“ ‘ For all that, I did not imitate the sceptics, who doubt only for doubting’s sake, and pretend to be always undecided ; on the contrary, my whole intention was to arrive at certainty, and to dig away the drift and the sand until I reached the rock or the clay beneath.’ ”—(Huxley, ‘ Lay Sermons,’ pp. 354, 355.)

18 (p. 534). *Philosophical Religions*.—“ Il y a donc une profession de foi purement civile dont il appartient au souverain de fixer les articles, non pas précisément comme dogmes de religion, mais comme sentiments de sociabilité, sans lesquels il est impossible d’être bon citoyen ni sujet fidèle. Sans pouvoir obliger personne à les croire, il peut bannir de l’État quiconque ne les croit pas ; il peut le bannir, non comme impie, mais comme insociable, comme incapable d’aimer sincèrement les lois, la justice, et d’immoler au besoin sa vie à son devoir. Que si quelqu’un, après avoir reconnu publiquement ces mêmes dogmes, se conduis comme ne les croyant pas, qu’il soit puni de mort ; il a commis le plus grand des crimes, il a menti devant les lois.

“ Les dogmes de la religion civile doivent être simples, en petit nombre, énoncés avec précision, sans explications ni commentaires. L’existence de la Divinité puissante, intelligente, bienfaisante, prévoyante, et pourvoyante ; la vie à venir, le bonheur des justes, le châtiment des méchants, la sainteté du contrat social et des lois : voilà les dogmes positifs. Quant aux dogmes négatifs, je les borne à un seul, c’est l’intolérance : elle rentre dans les cultes que nous avons exclus.”—(Rousseau, ‘ Du Contrat Social,’ l. iv. ch. viii.)

The following abstract of Auguste Comte’s scheme of the Religion of Humanity is taken from Mr. Mill’s Essay on the *Later Speculations of M. Comte*, p. 150 :—

“ He provides an equivalent both for the private devotions, and

for the public ceremonies, of other faiths. The reader will be surprised to learn that the former consists of prayer. But prayer, as understood by M. Comte, does not mean asking; it is a mere outpouring of feeling; and for this view of it he claims the authority of the Christian mystics. It is not to be addressed to the Grand *Être*, to collective Humanity; though he occasionally carries metaphor so far as to style this a goddess. The honours to collective Humanity are reserved for the public celebrations. Private adoration is to be addressed to it in the persons of worthy individual representatives, who may be either living or dead, but must in all cases be women; for women, being the *sexe aimant*, represent the best attribute of humanity, that which ought to regulate all human life, nor can Humanity possibly be symbolized in any form but that of a woman. The objects of private adoration are the mother, the wife, and the daughter, representing severally the past, the present, and the future, and calling into active exercise the three social sentiments, veneration, attachment, and kindness. We are to regard them, whether dead or alive, as our guardian angels, 'les vrais anges gardiens.' If the last two have never existed, or if, in the particular case, any of the three types is too faulty for the office assigned to it, their place may be supplied by some other type of womanly excellence, even by one merely historical. Be the object living or dead, the adoration (as we understand it) is to be addressed only to the idea." . . . "The public cultus consists of a series of celebrations or festivals, eighty-four in the year, so arranged that at least one occurs in every week. They are devoted to the successive glorification of Humanity itself; of the various ties, political and domestic, among mankind; of the successive stages in the past evolution of our species; and of the several classes into which M. Comte's polity divides mankind. M. Comte's religion has, moreover, nine Sacraments; consisting in the solemn consecration, by the priests of Humanity, with appropriate exhortations, of all the great transitions in life; the entry into life itself, and into each of its successive stages: education, marriage, the choice of a profession, and so forth. Among these is death, which receives the name of transformation, and is considered a passage from objective existence to subjective—to living in the memory of our fellow-creatures. Having no eternity of objective existence to offer, M. Comte's religion gives it all he can, by holding out the hope of subjective immortality—of existing in the remembrance and in the posthumous adoration of mankind at large, if we have done anything to deserve remembrance from them; at all events, of those whom we loved during life, and when they too are gone, of being included in the collective adoration paid to the Grand *Être*. People are to be taught to look forward to this as a sufficient recompense for the devotion of a whole life to the service of Humanity. Seven years after death, comes the last Sacrament: a public judgment, by the priesthood, on the memory of the defunct. This is not designed for purposes of reprobation but of honour, and any one may, by

declaration during life, exempt himself from it. If judged and found worthy, he is solemnly incorporated with the Grand Ètre, and his remains are transferred from the civil to the religious place of sepulture: ‘le bois sacré qui doit entourer chaque temple de l'Humanité.’”

19 (p. 535). “If I would keep up the Established Church of England, it is not for the sake of lords and baronets, and country gentlemen of 5,000*l.* a year, and rich bankers in the city. I know that such people will always have churches, ay, and cathedrals, and organs, and rich communion plate. The person about whom I am uneasy is the working man; the man who would find it difficult to pay even 5*s.* or 10*s.* a year out of his small earnings for the ministrations of religion. What is to become of him under the voluntary system? Is he to go without religious instruction altogether? That we should all think a great evil to himself and a great evil to society. Is he to pay for it out of his slender means? That would be a heavy tax. Is he to be dependent on the liberality of others? That is a somewhat precarious and a somewhat humiliating dependence. I prefer, I own, that system under which there is, in the rudest and most secluded districts, a house of God, where public worship is performed after a manner acceptable to the great majority of the community, and where the poorest may partake of the ordinances of religion, not as an alms, but as a right.”—(Macaulay, *Speech on Maynooth College Grant, 1845.*)

20 (p. 535). *Results of the Voluntary System.*—Bishop Magee, of Peterborough, in his masterly pamphlet, ‘The Voluntary System: can it supply the place of the Established Church?’ published in 1860, has brought forward copious evidence of the insufficiency of the system, both as to Missionary and Pastoral Work, “to make men Christians, and to keep them so.”

Among other defects he points out, chiefly by quotations from Nonconformists—

That “the necessarily self-supporting character of all the institutions founded by Dissenters, renders it, in their case, almost indispensable to make the erection of a chapel dependent on the prospect of an adequate return;” (page 23.)

That “when the middle classes and well-to-do people, who have been in the habit of attending the chapel, go away into the country, or to some suburban residence, it follows almost as a matter of course that the seat-rents fail, and another chapel is erected in a suburban district, and the congregation is transferred, and the chapel ceases to be occupied as it was formerly;” (page 21.)

That the modern Voluntary system tends to produce preachers rather than pastors: “it gives rise to a miserable and degrading system of pulpit puffing, such as we see only too many signs of in the present day;” (page 36.)

That in many cases, as stated by the Rev. J. A. James, “the

pastor is placed far below his level; he may flatter like a sycophant, beg like a servant, or woo like a lover; he is not permitted to enjoin like a ruler. His opinion is received with no deference: his person is treated with no respect, and in the presence of some of his lay tyrants, he is only permitted to peep and mutter in the dust" (page 37).

Dr. Humè, of Liverpool, has published several important pamphlets on this subject.

Dean Stanley has shown, in his 'Essays on Church and State,' how illusory is the freedom of so-called Free Churches; and how the professed doctrine of the Sole Headship of Christ resolves itself practically into the supremacy of a Committee or of one powerful member of the congregation; a supremacy more oppressive, and not more spiritual, than the supremacy of the Queen.

21 (p. 538). *Religion in the United States of America*.—Lord Robert Montagu quotes the following from a 'Plea for Home Missions,' New York, 1860:—

"It is obvious, upon first inspection, that a system (say rather a confusion) . . . so stimulating sectarian rivalries, that ministers frequently abuse as much time and strength in working against each other, as they use in working for Christ;—that such a system must result in a great waste of power; and this of all kinds. Accordingly we find that Churches are born weak, and are compelled to worry through a long and fretful infancy, are kept on a diet irritatingly low, and compelled to struggle, with slow and uncertain growth, toward a maturity which must come late, and may come never."

"More than two-thirds of all the churches do not contain over one hundred members."

"Sectarian rivalry is in many places carried to a pitch of narrowness and spite but feebly appreciated by Eastern Christians, such as is impossible in an educated community, and is incomprehensible to hearts enlarged by obedience to the law of Christ."—(Montagu, 'Four Experiments,' pp. 214, 215.)

The commercial spirit which penetrates the Voluntary system in the United States is illustrated by the method of letting seats, as described by the Rev. Newman Hall:—

"An estimated annual value is set on them, varying with their position. Pews are called slips. Persons wishing single sittings must arrange with the lessee of an entire pew. Once a year the pews are appropriated. The 'letting by auction' is felt by us to be very objectionable, and it is also condemned by many in America. But it was thus explained to me. When there are more applicants than pews, it is fair that no favouritism should be allowed, but all have an equal chance. So the number of each pew is called out and the price. If several ask for it, the applicant who offers the highest premium obtains it. All the pews are re-let next year, so that a pew is only retained by the holder being willing to pay more

for it than any one else." (*'From Liverpool to St. Louis'* (1869), page 223.)

Both the strength and the weakness of the Voluntary system appear on an ample scale in the United States. So much is this the case, that statistics are forthcoming in abundance on either side, which appear decisive, unless they are duly weighed and compared; and the religious aspect of the country, to the eye of a traveller, is sure to present much to confirm his prepossessions, whatever they may be.

An admirer of the Voluntary system is struck with the "multitude of spires ascending from a comparatively small town;" he observes "that religion appears to be no less cared for than in the old country, with all its ancient endowments; that the people seem even more pervaded by an earnest religious sentiment; that Sunday is better observed, preaching more honoured and frequented, and the churches better filled."

The Rev. Newman Hall, who makes these remarks, also quotes the following:—"As a simple matter of fact, the largest development and increase of Christianity in the nineteenth century has been found in the United States." Professor Vinet likewise maintains that "America has gained, in a moral point of view, from the separation of Church and State." (*'Essay on Personal Religious Conviction'* (1848), Appendix, p. 450.)

Yet Dr. Magee, the present Bishop of Peterborough, concludes, from a careful survey, "the facts from America alone give clear and unmistakeable evidence that the Voluntary principle, under the most favourable circumstances, can do neither the Missionary nor the Pastoral work of the Church upon anything like a national scale. Voluntaryism in America is simply a complete and disastrous failure" (*'Voluntary System'*, p. 69). And Lord Robert Montagu, in his book entitled the *'Four Experiments'*, quotes to the same effect from American Reports, concluding that what he terms Americanism "is a sandhill of sects; and each sect is a crumbling congeries of disconnected atoms" (p. 303).

The gross extravagances of some of the sects are vividly described in Mr. Hepworth Dixon's work, *'New America.'* Among these the Mormons and Spiritualists have made themselves otherwise too well known in this country.

A recent speech of Mr. Thomas Hughes, M.P., at the Bath Church Congress, 1873, is well worth quoting here:—

"When I was over there I made a special study of this question, and I spoke with very many eminent persons in the different Churches on the other side of the Atlantic upon it. Let me give you the opinion of only one, but perhaps the most eminent, of the religious workers on the other side of the Atlantic. His name will be known to many of you, and many of you will perhaps think you would not be likely to agree with very much of what he might believe on these questions; but I know no braver and better Christian man, and his name is Ward Beecher. In a very remarkable essay which he wrote

about eighteen months ago on this very question, he commenced with the words—‘It is one thing to establish a form of religion ; it is quite another to overthrow one which has been established ;’ and he followed out that beginning by showing how the roots of the National Church spread through all portions of the English people, and, looking at it from an English point of view, showed what a misfortune he should consider it if those roots were even rudely dragged up. Look at the state of America. Look at the state of religion in the United States. Let me cite to you two authorities upon the subject. The first is a well-known book on the religious aspects of America. It is there stated that 12,000 churches were last year without a minister. We find it again stated in the ‘Religious Aspect of America’ that one-sixth only of the whole people profess to be members of any Christian Church. In another publication, perhaps an even greater authority, the ‘Report of the American Tract Society,’ it is stated that one-third of the people, or from eight to ten millions, were unreached by any of the ordinary means of grace. I do not think any English Churchman would feel disposed to change the state of England, imperfect as it is, in a religious point of view, for that on the other side of the Atlantic.”

There is probably no authority of more weight on the religious condition of the United States than Dr. von Döllinger, who is not only a writer of great learning and integrity, but comparatively unbiased on the question of Church Establishments, and a severe critic of State Churches. He acknowledges freely the general religious atmosphere of the country, the observance of Sunday, the number of places of worship, the rival activity of religious parties, and the prevalence of religious periodicals.

In some western parts, however, he finds “over nine-tenths of the population belong to no Church, and parents, unbaptized themselves, give their children neither Baptism nor Christian instruction.” There, in the West, many say, “I belong to the big Church,” that is, “as a free American, I believe as much or as little as I like.”

Most of the ministers have very small congregations, even in the cities ; the consequence of which is great poverty, and the complaint that nowhere are the clergy so ill paid as in North America. In New York three-fourths of the population do not attend any church. “At the most moderate estimate, more than half the grown persons in America belong to no religious community.”

Döllinger’s conclusion is, that the condition of Christendom in America is “a great and serious warning.” He pronounces the American theology to be shallow, and the tone of the religious press to be “a scandal to the cause of Christendom.” He finds that, under the so-called freedom of the sects, extreme intolerance prevails. “The whole present condition of North America in religious relations is such as to awaken grave anxieties among the thinking men of the land.” “Want of every feeling of reverence is, as American theologians mournfully acknowledge, a predominant trait of national character.” (‘Kirche und Kirchen,’ pp. 312—359.)

As a general result of much conflicting testimony, we may venture to affirm that, in the United States, a people energetic and self-reliant in all other respects, has proved itself likewise energetic and self-reliant in providing the means of public worship, to an extent which, though inadequate, is yet respectable. The earnest men, who first crossed the Atlantic for liberty of conscience, have left their stamp on the people, who have in the main been loyal to their religious traditions. Under some circumstances a very robust and original type of Christian character has been produced. Statesmen like Lincoln, soldiers like Lee and Jackson, are signs of a spiritual life which flourishes, under various denominations, in widespread vigour.

On the other hand, we see that the supply of churches under the Voluntary system has fallen very far short of the need ; that the supply of clergy is more insufficient still ; that in the placing of clergy and churches the poor are deplorably neglected ; that spiritual destitution is felt not only in large cities, but even more in rural districts. There appear also to be palpable shortcomings in the quality of the religious ministrations. The necessity of preaching agreeable doctrine checks the free utterance of preachers. It was rare, for instance, before the war, for any minister to raise his voice against Slavery. More often the clergy strained texts of Scripture to excuse or commend it. The same dependence on popularity has bred a debased oratorical style, stimulating to the emotions and fancy, but not conducive to holiness of life. Above all, we see America split up into nearly or quite a hundred rival sects, among which there is none of sufficient authority or influence to give to the rest an acknowledged standard of doctrine. Schism has ceased to be regarded as an abnormal condition of Christian society. The sentiment of reverence has become unfamiliar, as if it were a superstition belonging to some forgotten creed. Moral obligation has lost something of its proper binding force as a divine law of duty. The absolute liberty of private judgment tends, by a natural process of decline, to throw off gradually the restraints, not only of Christian faith, but of conscience and custom. Doctrines the most profane and abominable are professed without shame, and classed among religions.

Both in the United States and in the British Colonies there are elements which, for the present, vitiate any comparison between their religious condition and that of an ancient empire. New blood continually flowing in, new land continually taken into occupation, give to life an excited, restless, migratory character, which strengthens individuality, while it weakens the bonds of fellowship by which society is held together. It is not impossible that, in days to come, when the centrifugal forces of American society have abated, a desire for religious union may spring up, and may prove as irresistible as that vehement desire of political union which overcame the vast difficulties of the Secession War. Sectarian and party spirit may then succumb to the common resolve that public life should be consecrated by a national Church, and that local deficiencies

of pastoral care should be supplied by means of a parochial system. Yet such an Establishment would be only a stepmother, compared with the Church which has watched over England from its birth. For us, having our Church inseparably united with our earliest national memories, and with the historical growth of our constitution, the severance of the bond could not make our state as if the bond had never been. It would have the effect of a bereavement. What might be the consequence of the shock, what the body politic might suffer in heart and brain, what agony and even delirium of contending passions, what final exhaustion, America does not help us to estimate.

22 (p. 542). *Church Property*.—It has been often alleged that the question of Church property is confounded with the claims of present incumbents. Probably this is true: but it is not only friends of the Church who are apt to narrow the question thus. On the side of disestablishment the same confusion is made to the prejudice of the Church. It is argued that the rights of the Church are satisfied, provided that the present incumbents are compensated in the event of their benefices being secularized.

Such is the purport of some remarkable passages which are quoted in a tract of the Liberation Society, entitled 'Church Property: what is said about it.' The most important are from the writings of Sir James Mackintosh and Mr. John Stuart Mill. In countering the doctrine that Church endowments are the absolute property of the clergy, these eminent men appear to sanction the opposite doctrine, that Church endowments are the absolute property of the State.

Sir James Mackintosh lays down as a principle, "The State is the proprietor of Church revenues, but its faith, it may be said, is pledged to those who have entered into the Church, for the continuance of their incomes, for which they abandoned all other pursuits."

Mr. Mill says, "The clergy and the Universities are not proprietors, nor even partly trustees and partly proprietors: they are called so, we know, in law, and for legal purposes may be so called without impropriety: but moral right does not necessarily wait upon the convenience of technical classification. The trustees are, indeed, at present, owing to the supineness of the Legislature, the sole tribunal empowered to judge of the performance of the trust, but it will scarcely be pretended that the money is made over to them for any reason than because they are charged with the trust: or that it is not an implied condition that they shall pay every shilling of it with an exclusive regard to the performance of the duty entrusted to the collective body. Yet, of persons thus situated—persons, whose interest in the foundation is entirely subsidiary and subordinate, the whole of whose rights exist solely as the necessary means to enable them to perform certain duties—it is currently asserted, and in the tone in which men affirm a self-evident moral truth, that the endowments of the Church and the Univer-

sities are their property; to deprive them of which would be as much an act of confiscation as to rob a landowner of his estate. Their property! In what system of legislative ethics, or even of positive law, is an estate in the hands of trustees the property of the trustees? It is the property of the *cestui que trust*; of the person or the body of persons, for whose benefit the trust is created. This in the case of a national endowment is the entire people."

In these observations there is much unfairness, mingled with some truth. Good churchmen have not only admitted, but insisted, that Church property is held, as Mr. Mill states, "in trust for the spiritual culture of the people of England." But on this very principle it follows that such property should be subject to the conditions of the trust, on both sides, not on one side only. It is contrary to the analogy of trusts that the person for whose sake the trust is created, should abolish the conditions, and dismiss the trustees at his mere will and pleasure. Whatever be the claims of the clergy, more or less, their particular rights as beneficed persons are distinct from their office as trustees on behalf of the Church. The whole Church, embracing clergy and laity, is concerned in the disposal of ecclesiastical revenues. Not only the teachers, but the taught, have an interest in the matter. This permanent interest, descending to generations unborn, is of more importance than the vested interest of living incumbents: and the question is put on a wrong issue, by expatiating on the latter alone.

For illustration let us suppose that an illiterate government resolved to break up and sell the library of the British Museum. If such a step were taken, to the grief of all scholars, and the lasting detriment of learning, it would be little to the purpose to argue that there was no ground of complaint, for the whole staff of librarians had ample retiring pensions, paid out of the proceeds of the sale of the books.

23 (p. 542). "The rest of the clergy generally complied with the changes which were established by law, as indeed they had frequently done before; for of 9400 beneficed men in England, there were but 14 bishops, 6 abbots, 12 deans, 12 archdeacons, 15 heads of colleges, 50 prebendaries, and 80 rectors, making a total of 189, who refused to take the oath of supremacy." \* \* \* \*

"There still existed several members of the episcopal order, who, having fled beyond sea, and escaped the persecutions of Mary, became the instruments of continuing to our Church the apostolical succession of bishops." (Short, 'History of the Church of England,' ch. viii.) See also Hook, 'Life of Archbishop Parker,' p. 235; Döllinger, 'Reunion of the Churches,' p. 110.

A popular but false idea of the Church of England is bluntly expressed by William Cobbett, when he says, "It is certain it was made by Acts of Parliament." To any one who considers the nature of a Church, and the nature of an Act of Parliament, the incongruity of this language is apparent enough. It would have long

since been rejected, as the knowledge of Church matters has become more general, were it not that some able writers have chosen to use the term "Church of England" in a technical sense; not as equivalent to the English Church, but as meaning the Tudor ecclesiastical constitution. This restricted sense is somewhat analogous to the use of the term "Commonwealth" for the state of England during Cromwell's Protectorate. But it is far more mischievous, as it fosters the gross error that England had no national Church before the Reformation.

Döllinger says on the contrary, "No Church is so national, so firmly rooted in the affection of the people, so grown together with the institutions and customs of the country."

Writers unfriendly to the Church of England have sometimes described the measures of the Tudor sovereigns as a violent transfer of ecclesiastical property from one Church to another, and as a precedent for future confiscation. This view will not bear scrutiny. The spirit of the English Reformation was in general studiously conservative. The Church revived certain acknowledged principles of faith. The Crown revived certain acknowledged powers of supremacy. Even the several incumbents were for the most part undisturbed. Nor can it be said that the intentions of the early benefactors of the Church were violated. Those intentions had certainly no reference to the details of theological controversy. Probably they are best described in the simplest language. Tithes and endowments were given to God; and the Church was regarded as a trustee on God's behalf. When, therefore, the Church underwent reformation, there was no perversion of the trust, but the contrary. The question at issue was, how to serve God rightly; and whatever way the question might be decided, the decision carried with it an equitable title to the ancient endowments.

24 (p. 551). "Between 1831 and 1840, the transformation, which had previously begun, made a progress altogether marvellous. Much was due, without doubt, to the earnest labour of individuals. Such men as Bishop Blomfield on the Bench, and Dr. Hook in the parish (and I name them only as illustrious examples), who had long been toiling with a patient but a dauntless energy, began as it were to get the upper hand. But causes of deep and general operation were also widely at work. As the French Revolution had done much to renovate Christian belief on the Continent, so the Church of England was less violently, but pretty sharply, roused by the political events which arrived in a rattling succession. In 1828, the repeal of the Test Act. In 1829, the emancipation of the Roman Catholics. In 1831-2, the agony and triumph of Reform. In 1833, the Church Temporalities Act for Ireland. There was now a general uprising of religious energy in the Church throughout the land. It saved the Church. Her condition before 1830 could not possibly have borne the scrutinizing eye, which for thirty years past has been turned upon our institutions. Her rank corruptions must have called down

the avenging arm. But it was arrested just in time. It would be difficult to give a just and full idea of the beneficial changes which were either accomplished or begun during this notable decade of years. They embraced alike formal, official movements, of a nature to strike the general eye, and those local improvements in detail, which singly are known only in each neighbourhood, but which unitedly transform the face of a country. Laws were passed to repress gross abuses, and the altering spirit of the clergy seconded and even outstripped the laws. The outward face of divine worship began to be renovated, and the shameful condition of the sacred fabrics was rapidly amended, with such a tide of public approval as overflowed all the barriers of party and of sect, and speedily found its manifestations even in the seceding communions. There is no reason to doubt that at that time at least, and before such changes had become too decidedly the fashion, the outward embellishment of churches, and the greater decency and order of services, answered to, and sprang from, a call within, and proved a less unworthy conception of the sublime idea of Christian worship. The missionary arm of the Church began to exhibit a vigour wholly unknown to former years. Noble efforts were made, under the auspices of the chief bishops of the Church, to provide for the unsatisfied spiritual wants of the metropolis. The great scheme of the Colonial Episcopate was founded ; and in its outset, led to such a development of apostolic zeal and self-denial as could not but assist, by a powerful reaction, the domestic progress. The tone of public schools (on one of which Arnold was now spending his noble energies) and of universities, was steadily yet rapidly raised. The greatest change of all was within the body of the clergy. A devoted piety and an unworldly life, which had been the rare exceptions, became visibly from year to year more and more the rule. The spectacle, as a whole, was like what we are told of a Russian spring : when, after long months of rigid cold, almost in a day the snow dissolves, the ice breaks up and is borne away, and the whole earth is covered with a rush of verdure." (Gladstone, 'Chapter of Autobiography,' p. 24.)

25 (p. 553). "The truth is, that no class of men in English society has undergone a change and reform so radical and so meritorious as the clergy of the English Church have accomplished in their own order since we commenced, now just seventy years ago, the labours of this journal. We shall not be accused of flattering them, for we have never ceased to combat their bigotry and to oppose their sacerdotal pretensions. But this shall not prevent us from doing signal justice to their merits. They have rooted out a multitude of abuses, and they have raised in many places in the land a lofty standard of what the Christian clergy of a free and enlightened people ought to be. They have placed themselves at the head of the great work of National Education, insomuch that the charge now made against them is that they are too eager in the cause. They have everywhere given new life and vigour to the spiritual work, which is the leaven

of society. No doubt all this zeal tends sometimes to excess, but upon the whole it does good ; and when we compare the deplorable abasement of the Church of England in the deep and sluggish corruption of the last century, with the spirit and energy of her present life, we know not which astonishes us most—that she should have at all survived that *naadir* of degradation, or that she should be threatened with Disestablishment at the very *zenith* of her utility.” (*Edinburgh Review*, April, 1872, p. 381.)

26 (p. 553). The statistics were brought forward by Dr. Enoch Mellor, at the preliminary meeting of the Nonconformist Conference at Manchester, 1872, and were made the ground of an invective against Mr. Forster, for permitting the Church to obtain building grants after the passing of the Education Act. “ During the last three months of the year, after the bill had been passed, there were 3,230 applications entirely by denominational schools. Of these applications 2,852 were made on behalf of the Established Church, 82 by Roman Catholics, 96 by British schools, 168 by Methodists, 17 by Baptists and Independents, 72 by undenominational schools, 2 by Unitarians, and one each by Presbyterians and Jews. If Mr. Forster foresaw this, what became of his ardour in favour of board schools ? and if he did not foresee it, what became of his political sagacity and foresight, and what claim had he upon their confidence ? He had been the means of breeding application for State money, which would raise the subsidies from about 30 to 50 per cent. ; and these subsidies would fall mainly into the hands of the Church which made its teachings subservient to its polity.”

27 (p. 553). “ If ever Christians draw nearer to each other, as everything invites them, it seems that the movement must start from the Church of England. Presbyterianism was a French work, and consequently an exaggerated work. We are too far off from the sectaries who are without substantial forms of worship ; there is no means of mutual understanding. But the Anglican Church, which touches us with one hand, touches with the other those whom we cannot touch ; and though, in a certain point of view, she is exposed to the blows of both parties, and presents the somewhat ridiculous spectacle of a rebel who preaches obedience, still she is very precious under other aspects, and may be considered as one of those chemical intermediates, capable of bringing together elements which have no natural affinity.” (*De Maistre, ‘ Considérations sur la France,’* (1817,) p. 27.)

Frederick I. of Prussia, “ on assuming the royal title, had two preachers, Ursinus and Sander, consecrated bishops by the English Church, but with their death this episcopate again became extinct. In our own days Frederick William IV. again took up the subject, and this was one of his reasons for urging the establishment of a Protestant bishopric at Jerusalem. Here a bishop of the English Church was to impart ordination to German clergymen ; and in the

King's instructions occur the words, which have evidently been carefully chosen, that 'he offers his hand with full confidence to the episcopal Church of England, which unites with evangelical principles an historical constitution and ecclesiastical independence aiming at universality.' " (Döllinger, 'Reunion of the Churches,' p. 82.)

On the other hand, the President of the Munich Congress of Old Catholics, 1871, wrote to Bishop Wordsworth, in reply to the Synodical letter of the Bishop and Clergy of the Diocese of Lincoln: "Favor tuus et calcaria nobis subdet, ne in re difficillimâ persequendâ defatigemur, et lætam spem nobis afferet, brevi esse futurum, ut partes christianæ, quum quid quæque petat æquo animo perpendent, sibi reconcilientur."

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## WELSH TRANSLATION OF MR. PEEK'S PROPOSAL.

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*sed Gorphenaf, 1871.*

### CYNHALIAETH EGLWYS LOEGR FEL EGLWYS SEFYDLEDIG.

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Yn ymwybodus o'r ymdrechion a wneir gan wahanol bleidiau i ddinystrio Undeb yr Eglwys a'r Wladwriaeth, y mae Mr. HENRY W. PEEK, M.P., Wimbledon House, S.W., wedi gosod mewn ymddiried yn y National Bank y symiau angenrheidiol, ac y mae yn awr yn cynyg Gwobrwyon o Bedwar Cant, Dau Cant, a Chant o Bunau am Draethodau gwreiddiol ar y pwnc uchod, os bydd y Barnwyr yn golygu cynifer o honynnt yn meddu ar ddigon o deilyngdod.

Y Barnwyr yw MARQUIS SALISBURY, y Parch. Dr. HESSEY, diweddar o'r Merchant Taylors'; a'r Parch. Dr. VAUGHAN, Master of the Temple.

*Heb rwyomo Cystadleuwyr yn rhy gaeth, y mae y pynciau canlynol i'w hystyried :—*

- a. Eglurhad amlwg ar sefyllfa Eglwys Loegr yn ei pherthynas a'r Wladwriaeth cyn ac wedi y Diwygiad, yn neillduol yr olaf.
- b. Y golygiadau sydd wedi bod o amser i amser yn cael eu dal ar y pwnc, yn yr Eglwys ac hefyd ym mhllith Anghydffurfwyr.
- c. Y manteision sydd wedi deilliau o Undeb yr Eglwys a'r Wladwriaeth—
  1. Crefyddol.
  2. Cymdeithasol.
  3. Gwladol.
- d. Os bu unrhyw anfanteision, ym mha ffordd y cawsant eu gwrbhwys.

CYNHALIAETH EGLWYS LOEGR.

- e. Gwrthbrofiad o'r prif ymresymiadau sydd wedi eu dwyn ym mlaen mewn dadleuon diweddar yn erbyn parhad yr Undeb.
- f. Brasddarluniad o'r effeithiau tebygol o ddilyn toriad yr Undeb. Mae yr ymresymiad hwn i'w egluro oddiwrth yr arferion neillduol o feddwl a theimlo sy'n ffynu yn Lloegr, yng nghyd a gweithredol brofiad mewn gwledydd ereill.

*Rhaid i'r Cystadleuwyd gadw yn fanwl at yr amodau canlynol :*

1. Rhaid i'r Traethawd fod mewn arddull darllenadwy; ond rhaid i osodiadau o ffeithiau neillduol, a'r holl ddyfyniadau gael eu profi trwy gyfeiriadau. Y mae ysgrifau gwreiddiol o unrhyw feithder i'w gosod mewn Atddodiad.
2. Nid yw y Traethawd wedi ei argraffu i fod yn fwy na 200 o dudalenau o argraff, a maint yr *Edinburgh* neu y *Quarterly Reviews*. (Yr Atddodiad, os bydd un yn ofynol, i fod yn ychwanegol.)
3. Y mae Ysgrif-hawl y Traethodau i'r rhai y dyfernir Gwobrwyon i fod yn eiddo Mr. PEEK, yr hwn sy'n bwriadu eu hargraffu a'u lledaenu i'r graddau eithaf am bris isel. Mae Mr. JOHN MURRAY, Albemarle Street, wedi cymeryd y cyfrifoldeb o'u hargraffu a'u cyhoeddi.
4. Rhaid anfon pob Ysgrif er cystadlu i ofal Mr. JOHN MURRAY, 50A, Albemarle Street, London, W., ar neu cyn y dydd 1af o Awst, 1872, wedi ei nodi "Essay on the Maintenance of the Church of England as an Established Church," gyda *Motto* oddiellan; y mae *Motto* cyfatebol i fod ar yr *Envelope*, yn yr hwn y bo enw ac *address* yr Awdwr. Ni agorir yr *Envelope* hyd oni fyddo yr holl Draethodau wedi eu barnu; a'r pryd hwnnw ni agorir ond y rhai fo a'r *Mottoes* yn cyfateb i'r Traethodau a farnwyd yn deilwng o'r Gwobrwyon.











